



Mass: Board of registration in
pharmacy

Annual report

F321

HOUSE No. 50.

Commonwealth of Massachusetts.

EXECUTIVE DEPARTMENT,
BOSTON, Oct. 18, 1886.

HON. HENRY B. PEIRCE, *Secretary of the Commonwealth.*

DEAR SIR:—I herewith transmit to you a report of the Board of Registration in Pharmacy this day received by me.

I am yours, very respectfully,

GEO. D. ROBINSON.

SECRETARY'S DEPARTMENT,
BOSTON, Feb. 1, 1887.

To the Honorable CHARLES J. NOYES,
Speaker of the House of Representatives.

SIR:—I have the honor to transmit the Report of the Board of Registration in Pharmacy.

Respectfully,

HENRY B. PEIRCE,
Secretary.

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Commonwealth of Massachusetts.

BOARD OF REGISTRATION IN PHARMACY,
BOSTON, Oct. 1, 1886.

To His Excellency GEO. D. ROBINSON,
Governor of the Commonwealth.

SIR:—Section six of the Act creating this Board says,
“Said Board shall annually report to the Governor the condition of Pharmacy in the State.”

In complying with this requirement, perhaps no clearer exposition can be given than by quoting a few questions and answers, at our examinations, showing the necessity that existed for a Pharmacy Law, and the condition of Pharmacy at this time in some localities; and it is simple justice to the Board, as explanatory of the small percentage of applicants receiving full certificates of Registration.

Some of the questions and answers were as follows:—

What is the dose of Paregoric? *Ans.* One and one-half teaspoonfuls.

How much Opium in a teaspoonful of Paregoric? *Ans.* Four grains.

What is the ordinary dose of Opium? *Ans.* Six to eight grains.

How many grains in an avoird. oz.? *Ans.* Don't know.

How many grains in a scruple? *Ans.* Don't know.

This applicant claimed to have had four years' experience in an adjoining State.

What is the active principle of Cinchona? *Ans.* Peruvian Bark.

Where does the Cinchona tree grow? *Ans.* In the United States.

Of what is Huxham's Tinct. of Bark, or Comp. Tinct. of Cinchona, made? *Ans.* Hemlock.

What is the principal ingredient of the Spirits of Mindererus? *Ans.* Acetate of Potass, [and the applicant insisted upon the correctness of his answer].

After questioning about Cinchona, Quinine, Cinchonidia, etc., the question was asked, —

What is Quinine? *Ans.* I don't exactly know, but it's a metal of some kind.

What is decantation and trituration? *Ans.* Don't know; never heard the terms before.

An applicant who claimed to be an experienced Pharmacist was asked, —

What would be the effect if a solution of Sulphate of Zinc was added to a solution of Acetate of Lead? *Ans.* A clear wine-colored solution.

Would there be no precipitate? *Ans.* No, none at all.

Strange and unaccountable stupidity or carelessness was shown by several applicants in simple mathematics, when asked to figure the dose or quantity of a drug in a specified mixture. A readiness in detecting an overdose of a drug, or an excess of some of the stronger remedies in a mixture, is a necessity.

Some of the applicants also exhibited the most gross ignorance in their examination of drugs and preparations.

Out of ten samples of the commonest fluids found in a drug store, one only was identified.

Very common, crude drugs, such as Senna, Manna, Buchu, Mountain Cranberry, Aloes, Columbo, etc., were not recognized at all.

There has been found in some cases a remarkable and inexplicable ignorance as to the action of Acids upon Bases, as also a want of familiarity concerning the common domestic formulas and remedies.

It is only just to say in this connection that the Board have found occasionally some notable exceptions to these cases of ignorance. For instance, one applicant of only two years' experience named correctly every drug and fluid, twenty in number. His written examination was perfect, and his oral, good enough for ten years' practical experience.

There have been held six sessions of the Board, at which there were examinations of applicants for Registration in Pharmacy, as follows: —

Jan. 5, 1886, at No. 13 Beacon Street, Boston. Met at 9 A.M., and adjourned at 12.05 A.M.

Jan. 6, a session of fifteen hours. Thirty-one applicants; 15 were rejected; 11 were conditioned; 5 received full certificates of registration.

Feb. 16, 1886, at No. 13 Beacon Street. Met at 9 A.M., adjourned at 11.30 P.M. Twelve applicants; 4 were rejected; 5 were conditioned; 3 received full certificates.

Feb. 17. Twelve applicants; 6 were rejected; 4 were conditioned; 2 received full certificates.

March 23, 1886, at Springfield.

Evening session, 8 to 12 P.M.

March 24, 8 A.M. to 4 P.M. Seven applicants; 3 were rejected; 1 was conditioned; 3 received full certificates.

May 14, 1886, at No. 13 Beacon Street, Boston, 8.30 A.M. to 7 P.M. Twenty-four applicants; 8 were rejected; 11 were conditioned; 5 received full certificates.

Aug. 5, at No. 13 Beacon Street, 8.30 A.M. to 7 P.M. Fifteen applicants; 4 were rejected; 7 were conditioned; 4 received full certificates.

The effect and influence of the law, and present condition of Pharmacy, is a recognized progressive advance in the responsible and important work of compounding and dispensing drugs and medicines, and the Board have been enthusiastically encouraged in their labors by leading and thinking men, as the facts developed by the examinations became known, and the apathy formerly existing has now given place to an intelligent consideration of the subject.

It is the decided opinion of the Board that much good has been accomplished in the interest, and for the safety and lasting benefit of the people of the Commonwealth.

The act establishing this Board made its first year to commence in October, 1885, and the following financial statement is made to cover all receipts and disbursements up to October, 1886, being the first full year of service: —

RECEIPTS.

2,481 Certificates, applications, forms 1 and 2, at 50 cents, . . .	\$1,240 50
83 Examinations, applications, form 3, at \$5, . . .	415 00
18 Examinations, 2d, applications, form 3, at \$3, . . .	54 00
Total,	\$1,709 50

DISBURSEMENTS.

Paid to State Treasurer, —

Nov. 28, 1885,	\$232 00
Dec. 1, 1885,	331 00
Jan. 1, 1886,	327 00
Jan. 8, 1886,	175 00
Feb. 1, 1886,	210 50
March 1, 1886,	201 00
April 1, 1886,	37 00
June 1, 1886,	117 00
Aug. 18, 1886,	79 00
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	\$1,709 50

DRAFTS ON STATE TREASURER.

Boston Herald, advertising official notice of the law,	\$6 88
Springfield Republican, advertising official notice of the law,	5 00
Wright & Potter, printing copies of the law, blank forms and circulars,	95 70
Brigham & Co., official seal,	5 00
Winkley, Dresser & Co., registration, record and blank books,	14 90
G. C. Cannon, engrossing certificates,	64 72
Winkley, Dresser & Co., ex. books and paper,	8 90
Engraving and printing 3,000 certificates,	170 00
Clerical work,	176 09
J. L. Fairbanks & Co., stationery,	22 37
Wright & Potter, printing, \$15.36 and \$98.36,	113 72
Clerical work,	75 97
C. F. Hatch & Co, cartoons,	3 00
G. C. Cannon, engrossing certificates,	30 32
Postage, stamped envelopes, etc.,	41 80
Winkley, Dresser & Co., stationery,	2 25
Clerical work,	8 43
Dennison Manufacturing Co., paper,	2 80
Springfield Republican, advertising meeting,	1 30
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	\$849 15

S. A. D. Sheppard, Secretary, expenses,	\$29 64
H. M. Whitney, President, expenses,	39 40
F. H. Butler, expenses,	28 72
J. H. Manning, expenses,	53 45
H. A. Estabrook, expenses,	34 47

Total travelling and hotel expenses of the Board, 185 68

S. A. D. Sheppard, Secretary, services,	\$335 00
H. M. Whitney, President, services,	145 00
F. H. Butler, services,	60 00
J. H. Manning, services,	50 00
H. A. Estabrook, services,	57 50

Total amount received by the Board for services, 647 50
 Cash in hands of State Treasurer, 27 17

\$1,709 50

Vouchers for all of above bills in full detail will be found in the Auditor's office at the State House.

The following bills due to the several members of the Board remain unpaid : —

S. A. D. Sheppard,	\$66 21
H. M. Whitney,	25 65
F. H. Butler,	20 75
J. H. Manning,	50 00
H. A. Estabrook,	17 95
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	\$180 56

To meet this indebtedness, as previously stated, there is in the hands of the State Treasurer a balance of \$27.17.

To Colonel Sherman, the Attorney-General, for his interest and kind assistance in our work, and in expounding the law, we desire to make grateful acknowledgment.

One case of obtaining a certificate by fraud has been corrected by a return of the certificate, and the facts reported to the attorney of the district in which the offence was committed.

Several cases have been reported to and investigated by the Board, and adjusted without process of law. In one case it was found necessary to refer the matter to the United States Attorney.

It will be noticed, by a careful examination of this report, that thirty-nine applicants for registration have been "conditioned." This was found by the Board to be a necessity, to avoid unnecessary hardship, as the applicants in these cases were found qualified for the positions they then held, but were not, in the judgment of the Board, entitled to full registration.

The Board therefore respectfully suggest, to meet similar exigencies which will arise in the future, that authority be given to grant a certificate as *Assistant Registered Pharmacist*. It would be very desirable for the Board to hold at least eight meetings for examinations during the year.

It is also important that personal examinations should be made occasionally by some member of the Board, or some person appointed by them, of the several places where drugs, medicines and poisons are sold, and particularly where complaints are made of "disregard, non-compliance or violation of the law," but with the income as at present regulated. Such

work would necessitate so great a sacrifice of time and traveling expenses, that it is beyond the financial ability of the present members of the Board. It is, therefore, respectfully suggested that an appropriation be made, or, as in some States, the necessary funds be secured by a renewal of registration every two years, which shall be compulsory upon all registered pharmacists.

The Board appointed by your Excellency have, as the appointed servants of the State, endeavored to accomplish all the law authorized, and, while we have no regrets for the past, do hope, by some modification and improvement in the law, more decided and marked results will follow; and, should it be desired, the Board, by its records and experience, will present to a committee their views.

Section 3 of the law was, it is assumed, to prevent any immediate disturbance or annoyance by too hasty operation of a new law. The occasion for this just care and caution having passed, it is urgently urged that section 3 be repealed.

That the pharmacy law is a necessity, and will prove (with such changes as occasionally may be required) most advantageous in very many ways to the people of this Commonwealth, and will be a great protection and of incalculable benefit to them, is an established fact.

Respectfully submitted,

H. M. WHITNEY, *President.*

S. A. D. SHEPPARD, *Secretary.*

F. H. BUTLER.

J. H. MANNING.

HENRY A. ESTABROOK.

HOUSE No. 4.

Commonwealth of Massachusetts.

R E P O R T.

To His Excellency OLIVER AMES, Governor of the Commonwealth.

SIR :— As required by act of the Legislature of 1885, the Board of Registration in Pharmacy present their report for the year ending Oct. 1, 1887.

“ The condition of Pharmacy in the State,” so far as it is possible for us to give an opinion, is surely an' improvement over last year. The examinations exhibit a very decided change in the appreciation of the responsibility, and a fixed purpose to thoroughly qualify ; this is clearly shown by the fact of only 20 per cent. of those examined the first year receiving a certificate, and during the past or second year's work about 42 per cent. passed, while the standard has not in any sense been diminished. Another evidence of the improved and improving condition of Pharmacy in the State, is the difficulty experienced during the past year, in securing such assistants as the law requires. The applicants as a rule are perfectly satisfied with the judgment and decisions of the Board ; this is apparent from the appearance for the third and fourth times of several who had failed in their previous examinations. The repeal of section three by the Legislature will prove of great value and assistance to the Board in their efforts to secure safe and intelligent compounders and dis-

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pensers of drugs, medicines and poisons, and this concession to our request we gratefully acknowledge; and while the Board from its second year's experience could present many facts to reinforce all the suggestions made in the report of 1886, simply refer to them as very desirable and important changes or additions to the law, and patiently wait the action of the Legislature.

Ten sessions of the Board have been held at 13 Beacon Street, at which there were examinations of applicants for Registration in Pharmacy, as follows:—

- Oct. 5, 1886. Four members of the Board present; organized by election of H. M. Whitney as President, and S. A. D. Sheppard as Secretary; 18 applicants; 5 passed, 10 conditioned, 3 rejected.
- Oct. 13, 1886. Four members present; 15 applicants; 8 passed, 3 conditioned, 4 rejected.
- Jan. 4, 1887, and Jan. 5, 1887. Three members present. In the absence of Secretary Sheppard on account of sickness, F. H. Butler was elected Secretary pro tem. and Mr. Chas. C. Williams was employed to act as monitor; 20 applicants; 7 passed, 10 conditioned, 3 rejected.
- Mar. 1, 1887. Four members present; 18 applicants; 4 passed, 6 conditioned, 8 rejected.
- May 3, 1887. Four members present; 23 applicants; 14 passed, 4 conditioned, 5 rejected.
- May 4, 1887. Four members present; 23 applicants; 15 passed, 7 conditioned, 1 rejected.
- June 21, 1887. Five members present; Mr. John Larrabee of Melrose having been appointed to succeed Mr. Sheppard, who was obliged to resign on account of ill health. 16 applicants; 5 passed, 7 conditioned, 4 rejected.
- June 22, 1887. Four members present; 15 applicants; 5 passed, 5 conditioned, 5 rejected.
- Aug. 25, 1887. Five members present; 19 applicants; 7 passed, 5 conditioned, 7 rejected.
- Forty-five certificates have been granted upon applications, forms one and two, as follows: Oct. 5, 1886, 16; Jan. 4 and 5, 1887, 17; March 1, 1887, 2; May 3, 1887, 9; June 22, 1887, 1.
- Oct. 13, 1886. One certificate obtained by fraud was surrendered and cancelled.

In compliance with section seven of the law, the President or Secretary by direction of the Board have investigated several complaints received, and there are now many cases

of “disregard, non-compliance or violation” of the law which should be corrected. The difficulty was stated in the report of 1886, and until remedied the Board is powerless.

The illness and consequent resignation of Mr. S. A. D. Sheppard caused the loss of a good officer to the State and much regret to the Board. He had acted as Secretary of the Board from its organization, and much of the success attending the labors of the Board are due to the earnest and faithful services rendered by him. We desire to place upon record our appreciation of his work, and regret that his failing health forced him to withdraw from active participation in the cause to which he had given so much time.

The following financial statement gives in detail the receipts and disbursements of the Board to October, 1887 :—

Cash in hands of State Treasurer Oct. 1, 1886,	\$27 17
Received for 45 certificates, forms 1 and 2, at 50 cents,	\$22 50
for 1 certificate, duplicate,	50
for 103 examinations at \$5,	515 00
for 64 re-examinations at \$3,	192 00
Total receipts for the year,	<u>730 00</u>
Paid by the Secretary of the Board into the treasury of the Commonwealth :	
Oct. 23, 1886,	\$151 00
Jan. 18, 1887,	90 50
March 9, 1887,	73 00
May 9, 1887,	187 50
June 24, 1887,	145 00
Sept. 1, 1887,	83 00
Total,	<u>\$730 00</u>
Total amount in hands of State Treasurer,	\$757 17

Drafts upon State Treasurer have been as follows :—

INCIDENTAL EXPENSES.

George F. Crook, printing,	\$4 50
Winkley, Dresser & Co., stationery,	16 62
A. J. Haywood, chairs and table,	2 55
J. L. Fairbanks & Co., stationery,	2 80
Charles C. Williams, clerical assistance,	13 50
Wright & Potter Printing Co.,	2 60
George C. Cannon, engrossing certificates,	6 56
C. F. Hatch & Co., rolls for mailing certificates,	3 00
Albert Anderson, repairing lock to desk,	75
	<u>\$52 88</u>

EXPENSES AND SERVICES OF THE BOARD.

S. A. D. Sheppard,	Expenses,	\$9 41	Services,	\$90 00
H. M. Whitney, . . .	"	55 18	"	121 75
F. H. Butler, . . .	"	48 70	"	127 50
J. H. Manning, . . .	"	76 25	"	65 00
H. A. Estabrook, . . .	"	39 57	"	62 50
Total,	"	<u>\$229 11</u>	"	<u>\$466 75</u>
Grand total of disbursements,				\$748 74
Cash in hands of State Treasurer,				8 43
				<u>\$757 17</u>

Vouchers for all of above bills in full detail will be found in the Auditor's office at the State House.

In the report for the year 1886, it appears the Board was owing \$180.56, and had cash \$27.17, leaving an indebtedness to be carried forward of \$153.39.

The following bills now due remain unpaid :—

H. M. Whitney,	\$18 90
F. H. Butler,	36 50
J. H. Manning,	25 00
John Larrabee,	23 54
George C. Cannon,	2 52
Vox Populi Office, printing,	3 75
	<u>\$110 21</u>
Cash on hand,	8 43
	<u>\$101 78</u>
Leaving net indebtedness of	\$101 78

All of which is respectfully submitted.

H. M. WHITNEY.
HENRY A. ESTABROOK.
F. H. BUTLER.
JOHN H. MANNING.
JOHN LARRABEE.

HOUSE No. 8.

THIRD ANNUAL REPORT

OF THE

Mass.

BOARD OF REGISTRATION IN PHARMACY.

Commonwealth of Massachusetts.

REPORT.

Boston, Oct. 1, 1888.

To His Excellency OLIVER AMES, Governor of the Commonwealth.

SIR : — In this, the Third Annual Report of the Board of Registration in Pharmacy, it was the desire and intention of the Board to present a detailed and specific report of the “Condition of Pharmacy” in the State, and to accomplish this the accompanying circular was sent to every town and city in the Commonwealth.

Relying, as we were obliged to, upon voluntary aid, we have not received as many responses to our request as we desired, nor have many of those received been as definite and specific in their answers as was expected; we are therefore forced to abandon the detailed statement.

Enough information, however, from the various parts of the State has been gathered to establish beyond question the following facts : —

1. The Pharmacy Law of 1885 was a necessity, and with the repeal of the third section in 1887 has proved a bar to some who would otherwise have proclaimed themselves pharmacists for other than legitimate pharmacy.

2. The qualification required by the Board, before granting a certificate of registration, has raised the standard of education and preparation for the duties of compounding and dispensing drugs to a point that compels the coming pharmacists of this State to have some knowledge, experience and familiarity with the medicinal remedies of the day, and this fact, as reported to us, has stimulated study, and an intelligent appreciation of the necessity of qualifying, formerly neglected by many.

3. Disregard, non-compliance, or violation of the law,

still continues in some localities ; this fact has been stated in a general way in our previous reports, but from the partial investigations made, we now have evidence of some violations that should be corrected at once, and we are satisfied a careful canvass of the State would reveal many more.

4. More good work has been accomplished by the Board during its three years of labor, without friction, than could reasonably have been expected.

In our first report, October, 1886, we gave some of the questions and answers of applicants for registration, showing the necessity of the pharmacy law. The same conditions exist to-day, as the written examinations on file will clearly prove.

In the judgment of the Board, ample time has now been given for a full compliance with the law, and the people are very strong in its support, and are pressing us for an enforcement of its provisions. To do this properly and without prejudice, requires careful, judicious and accurate personal examination and investigation, and, as stated in our first report, this cannot be done, except in very few cases, without an expenditure of money and time beyond our control.

It is a well-known fact that the reputable pharmacist's relations to the people are confidential and advisory, similar to those of the family physician, and no more responsible or important position or trust is held by any class or profession ; and were it not for this fact, and the earnest desire and pride in protecting this relation from abuse, not one member of the Board as now constituted would continue in his position.

That there are among the pharmacists some unscrupulous persons, as there are in every calling, who bring discredit and evil repute upon others in the same calling, we admit ; but we protest against the general charge sometimes made that apothecaries as a rule are violators of law.

Representing the people as well as the pharmacist, we emphatically assert that the percentage of pharmacists who sell liquor by the glass, or in any way contrary to the law, is very small, and the efforts of the Board have been specially directed to prevent any increase of that kind of pharmacists. More than this, the Board would gladly eliminate from the roll of registered pharmacists of the State any and all who do not rigidly and strictly comply with the spirit of all tem-

perance legislation. It is the few calling themselves pharmacists, registered as required by section three, violators of the liquor law as well as violators in some cases of the pharmacy act, that the Board desire to have prosecuted. We recognize the difficulty of correcting this evil, but we are decidedly of the opinion that very much could be accomplished by such an examination and investigation as has been suggested.

The law requires the Board to hold three regular meetings during the year. The first year of its organization six sessions for examinations of applicants were held, the second year ten, and the third year seventeen. The number examined for the three years has been as follows: 1886, 101; 1887, 167; 1888, 213. Certificates granted were: for 1886, 22; 1887, 70; 1888, 89. Thus, it will be seen the work continues to increase, and its importance and value as a conservator for the public good is conceded by all reasonable and thinking men. The increased amount of correspondence, clerical work, investigations and prosecutions that should be made demands, in the opinion of the Board, some consideration by the Legislature.

For the year ending Oct. 1, 1888, seventeen sessions of the Board have been held at 13 Beacon Street, as follows:—

Oct. 4 and 5, 1887. Four members present; organized by the election of H. M. Whitney as President and F. H. Butler as Secretary; 31 examined, 11 passed, 13 conditioned and 7 rejected.

Nov. 22, 1887. Four members present; 11 examined, 2 passed, 2 conditioned and 7 rejected.

Jan. 3 and 4, 1888. Four members present; 27 examined, 10 passed, 7 conditioned and 10 rejected.

Feb. 7, 1888. Four members present; 14 examined, 6 passed, 5 conditioned and 3 rejected.

March 13 and 14. Three members present; 21 examined, 10 passed, 7 conditioned and 4 rejected.

May 1 and 2. Five members present; 26 examined, 8 passed, 6 conditioned and 12 rejected. At this meeting one certificate obtained by fraud was surrendered.

May 8 and 9. Five members present on the 8th and four on the 9th; 30 examined, 12 passed, 7 conditioned and 11 rejected.

May 15 and 16. Three members present on the 15th and four on the 16th ; 20 examined, 12 passed, 3 conditioned and 5 rejected.

May 29. Four members present ; 15 examined, 9 passed, 3 conditioned and 3 rejected.

June 26. Three members present ; 18 examined, 6 passed, 3 conditioned and 9 rejected.

Aug. 3. Special meeting ; three members present. This meeting was called to consider and take action upon the many general complaints received, as to violations of the law. It was voted to issue the circular accompanying this report, and to employ one or more persons to canvass the city of Boston.

The financial transactions for the year have been as follows :—

Balance in hands of State Treasurer, Oct. 1, 1887,	\$8 43
Received for 138 examinations at \$5,	\$690 00
“ “ 75 re-examinations at \$3,	225 00
“ “ 5 duplicate certificates at 50 cts.,	2 50

Making total receipts for the year, \$917 50

and paid into the treasury of the Commonwealth as follows :—

October 7, 1887,	\$130 00
November 25, 1887,	49 50
January 6, 1888,	111 50
February 8, 1888,	64 00
March 15, 1888,	91 00
May 4, 1888,	112 50
“ 11, 1888,	130 00
“ 18, 1888,	86 00
“ 30, 1888,	65 00
June 29, 1888,	78 00
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	\$917 50
Total amount in hands of State Treasurer,	<hr/>
	\$925 93

Drafts on State Treasurer.

G. C. Cannon, engrossing certificates,	\$5 38
Vox Populi Press, printing and stamps,	20 50
S. A. D. Sheppard, stamps and ex.,	3 93
Winkley, Dresser & Co., stationery,	3 35
Wright & Potter Printing Co., printing and stamps,	43 78
Louis A. Curtis, canvassing city of Boston,	25 91
F. H. Butler, express and postage,	2 15
	<hr/>
	\$105 00

H. M. Whitney, expenses,	.\$53 34	services,	\$120 00	
F. H. Butler,	92 20	"	242 50	
J. H. Manning,	63 50	"	55 00	
H. A. Estabrook,	29 65	"	40 00	
John Larrabee,	23 79	"	100 00	
Totals,	.\$262 48		\$557 50	\$819 98
Total disbursements for the year,				\$924 98
Cash in hands of State Treasurer,				95
				<u>\$925 93</u>

SUMMARY OF THREE YEARS' WORK.

Receipts and Expenses.

Total number of certificates issued to those in business on their own account, or who had three years of experience,	2,526
Total number examined,	478
" " rejected,	300
" " certificates granted after examination,	178
Total number of certificates issued,	2,704
Total amount cash received,	.\$3,357 00
Disbursed as follows:—	
General expenses,	.\$1,007 03
Travelling and hotel expenses of the Board,	677 27
Services of the Board, including clerical work of the Secretary,	1,671 75
In hands of State Treasurer,	95
	<u>\$3,357 00</u>

Vouchers for all above in full particulars may be found in the Auditor's office, at the State House.

Deducting from the \$1,671.75 received by the Board an estimated amount for the extra work of the Secretary of the Board, the annual average salary of each member would be about \$75. All of which is respectfully submitted.

H. M. WHITNEY, *President.*
 HENRY A. ESTABROOK.
 JOHN LARRABEE.
 JOHN H. MANNING.
 F. H. BUTLER, *Secretary.*

Commonwealth of Massachusetts.

BOARD OF REGISTRATION IN PHARMACY.

Sections 6, 7, 8, 9 and 10 of Chapter 313, Acts of 1885.

SECTION 6. The Board shall keep a record of the names of all persons registered hereunder, and a record of all moneys received and disbursed by said Board, a duplicate whereof shall always be open to inspection in the office of the Secretary of the Commonwealth. *Said Board shall annually report to the Governor, on or before the first day of January in each year, the condition of pharmacy in the State,* which report shall contain a full and complete record of all its official acts during the year, and shall also contain a statement of the receipts and disbursements of the Board.

SECT. 7. It shall be the duty of the Board to investigate all complaints of disregard, non-compliance or violation of the provisions of this act, and to bring all such cases to the notice of the proper prosecuting officers.

SECT. 8. Every person who has received a certificate of registration from the Board shall *conspicuously display the same* in his place of business.

SECT. 9. Whoever not being registered as aforesaid shall, by himself or his agent or servant, unless such agent or servant is so registered, retail, compound for sale or dispense for medicinal purposes, drugs, medicines, chemicals or poisons, shall be punished by a fine not exceeding fifty dollars. But nothing in this act shall be construed to prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

SECT. 10. This act shall not apply to physicians putting up their own prescriptions or dispensing medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at whole-sale only; nor to the manufacture and sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers or others; nor shall any member of a copartnership be liable to the penalties hereof if any other member of such copartnership is a registered pharmacist; *provided, that*

such non-registered member shall not retail, compound for sale or dispense for medicinal purposes, drugs, medicines, chemicals or poisons, except under the personal supervision of a registered pharmacist.

LAWRENCE, Aug. 8, 1888.

Mr.

DEAR SIR:—Your attention is called to above sections of the Pharmacy Act, and as the Board are required to make annual reports to the Governor of "the condition of Pharmacy in the State," and that the report for 1888 may present as accurate information as possible, I am directed, by vote of the Board, to request you to answer the following questions, and to add such other information or suggestions bearing upon the subject as you may feel inclined to give the Board.

Your early attention and reply, not later than October 1st, is specially desired.

Respectfully,

H. M. WHITNEY,

President of the Board of Registration in Pharmacy.

City or Town of

188 .

(Sign here.)

1. It is reported that Certificates of Registration were obtained, under section 3, by many persons who had NOT HAD THREE CONSECUTIVE years of practical experience prior to Oct 1, 1885. Several Certificates so obtained have been returned, and prosecution avoided. If you know or learn of any such cases of fraud, please consider it your special duty to report the facts at once.

2. How many drug stores in your city or town?

3. Total number of Certificates of Registration, including proprietors.

4. How many stores where the proprietor alone is registered?

5. If section 8 or 9 is violated in any way, please state name of firm, location and full particulars.

6. What is your opinion of the "Condition of Pharmacy" in your city or town, the effect of the law, and what changes are desirable, if any?

FOURTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION IN PHARMACY.

FOR THE YEAR 1889.

BOSTON :
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.

1890.

Commonwealth of Massachusetts.

REPORT.

To His Excellency OLIVER AMES, Governor of the Commonwealth.

SIR :—The condition of pharmacy in the State is slowly but certainly improving, so far as an increased practical knowledge and experience replaces some of those registered under the law without an examination. It has been the purpose of the Board to issue certificates only to those who by study, practical experience and familiarity with drugs, doses and antidotes, have made themselves competent to serve the people, as compounders and dispensers of articles of which the consumer has little knowledge. That there are now some registered who were “in business on their own account,” or who had “had three consecutive years of practical experience,” who are absolutely incompetent, is a lamentable fact; that a few of these continue to use the name of pharmacist or apothecary solely for the purpose of conducting an illegitimate business, is also true. There are some in almost every city who violate the law by leaving their drug stores for days in charge of unregistered and incompetent assistants; and this is a source of frequent complaint. For neighbors or competitors to enter a formal complaint in such cases can hardly be expected, and the Board have not funds or authority to employ assistance and enforce the law; in fact, the income does not meet, even with the most rigid economy, the necessary expenses. We therefore respectfully call your attention to the greater good that could be accomplished, so far as the safety, health and protection of the people are concerned, by a judicious en-

forcement of the provisions of the law ; and we urgently ask for such aid and assistance in our work as the Legislature may decide will be in the interests of the public. That a necessity exists for some action, will be apparent by a careful consideration of a few of the questions and answers received at examinations during the past year : —

Q. What is Blue Mass or Blue Pill? A. It is made of Aloes, Scammony and one other thing.

Q. What is the source of Tartaric Acid? A. Citric Acid.

Q. What is the source of Phosphorus? A. It is from metal.

This applicant claimed to have had over three years' experience. One claiming to have had six years' experience repeatedly asserted that Blue Mass "was mercury rubbed up with Opium ; and that Blue Ointment contained one per cent. of mercury."

The proprietor of a drug store, who was desirous of securing a sixth-class liquor license in his own name, came up May 17 for examination ; age, twenty-six ; two years' experience as proprietor of a store.

Q. How many drops in a fluid drachm? A. Eight.

Q. How many grains in an ounce? A. Two hundred and forty.

Q. How much Cocaine would you use in making two drachms of a four per cent. solution? A. Four ounces.

Another, who was in business on his own account, and claimed to have had twenty-three years' experience, when asked to interpret Na. Br., said, "That's a sticker ; it may be Nebraska or New Brunswick."

These two cases are cited to show the wisdom of the Legislature at its last session, in providing that sixth-class or druggist's licenses should be granted only to registered pharmacists in active business on their own account. We submit the rejection of such applicants for registration and license to conduct drug stores is simply in the line of progress, good morals and safety ; and to compel the few ignorant and reckless defiers of the statute to retire from the business, or comply with the law, is the desire of all good and law-abiding citizens.

The law requires the Board to hold three regular meetings each year; but the demands during the past year have made it imperative to hold twenty-two sessions, as follows, at 13 Beacon Street:—

Oct. 2, 1888, four members present; organized by the election of H. M. Whitney president, and F. H. Butler secretary.

					Members Present.	Examined.	Passed.	Rejected.
1888.								
Oct.	2,	.	.	.	4	17	6	11
	3,	.	.	.	4	13	5	8
	30,	.	.	.	4	0	0	0
	31,	.	.	.	4	16	5	11
Nov.	20,	.	.	.	5	15	9	6
1889.								
Jan.	1,	.	.	.	2	0	0	0
	8,	.	.	.	5	12	6	6
	9,	.	.	.	5	16	4	12
Feb.	12,	.	.	.	5	11	5	6
	13,	.	.	.	5	16	6	10
March	12,	.	.	.	5	11	7	4
	13,	.	.	.	5	15	12	3
May	7,	.	.	.	5	14	9	5
	8,	.	.	.	4	15	7	8
	9,	.	.	.	4	16	8	8
	15,	.	.	.	5	12	6	6
	16,	.	.	.	5	13	8	5
	17,	.	.	.	4	12	7	5
June	20,	.	.	.	3	12	7	5
	21,	.	.	.	3	15	8	7
Aug.	2,	.	.	.	3	12	5	7
Sept.	17,	.	.	.	4	13	5	8

Whole number examined during the year, 276. Certificates issued, 135; rejected, 141.

The work of the Board has steadily increased from the date of its organization.

	Examined.	Rejected
First year,	101	79
Second year,	167	97
Third year,	213	124
Fourth year,	276	141

We have no desire to magnify or proclaim the importance and beneficial results of our work; we may be pardoned,

however, if we express our appreciation of the hearty indorsement and encouraging words received from so many and varied sources. It is evident the people of this Commonwealth are in full accord and sympathy with the efforts of the Board of Registration in Pharmacy; and, should the Board receive sufficient authority and aid from the Legislature, more marked, speedy and healthful results would follow.

The examination of applicants for registration does not embrace all the duties of the Board; and complaints were so frequent and so much beyond the limit of our income, that the attached circular was sent to all reported to us as violating the law, and a personal interview by a committee of the Board was held with many. Good results followed in some cases; but, as suggested, a judicious enforcement by prosecution of some bad cases would doubtless prove more effective.

The Board have also been called upon for, and have furnished to many of the cities and towns of the State, a list of those who were registered pharmacists, and therefore entitled to a sixth-class license, if any.

FINANCIAL STATEMENT.

Oct. 1, 1888, cash in hands of State Treasurer,	\$0 95
Received during the year for 165 examinations, at \$5,	\$825 00
Received during the year for 110 re-examinations at \$3,	330 00
Received during the year for 1 examination (having paid \$10 for two previous examinations), at \$1,	1 00
Received for duplicate certificates, at 50 cents,	4 50
Total income,	<u>1,160 50</u>
(This amount has been paid to the State Treasurer, as required by law.)	
Grand total,	\$1,161 45

Drafts upon the State Treasurer as follows:—

	Services.	Expenses.
H. M. Whitney,	\$110 00	\$55 23
F. H. Butler,	247 50	115 75
H. A. Estabrook,	77 50	58 15
J. H. Manning,	90 00	116 85
John Larrabee,	107 50	25 74
	<u>\$632 50</u>	<u>\$371 72</u>
Total expenses of the Board,		\$1,004 22

T. T. Bailey, services, as monitor,	\$23 88
Addison Lane, services, as monitor,	29 00
"Vox Populi," for printing,	36 00
Winkley, Dresser & Co. (stationery),	12 50
Wright & Potter (printing);	8 90
J. H. Daniels, printing certificates,	45 00
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Total incidental expenses paid,	\$155 28
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Total paid out,	\$1,159 50
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Leaving balance in hands of State Treasurer,	\$1 95

BILLS UNPAID.

H. M. Whitney,	\$21 75
F. H. Butler,	40 35
H. A. Estabrook,	25 95
John Larrabee,	13 36
G. C. Cannon,	4 05
<hr/>	
Leaving a net indebtedness of	\$103 51

All of which is respectfully submitted.

H. M. WHITNEY.
 HENRY A. ESTABROOK.
 JOHN H. MANNING.
 F. H. BUTLER.
 JOHN LARRABEE.

BOSTON, Oct. 1, 1889.

FIFTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION IN PHARMACY.

FOR THE YEAR 1890.

BOSTON :
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.

1891.

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Commonwealth of Massachusetts.

REPORT.

To His Excellency J. Q. A. BRACKETT, Governor of the Commonwealth.

SIR : — In our report for the year 1889 we called attention to the need of additional legislation for the better protection of the public as against incompetent pharmacists, and the providing of means whereby the laws enacted five years ago might become more effective, giving facts and figures in support thereof.

We are encouraged from results already accomplished : the pharmacist of to-day is of necessity better equipped for the responsible duties which will devolve upon him than in times past ; a higher standard has been attained, — of this we are assured from many and varied sources. We have been gratified, also, at the proficiency shown by many of the candidates for examination, which evidence careful thought, study and practical experience.

As an educational force, we have not labored in vain. That abuses of the law continue, we must again admit, and reiterate our previous statements.

The necessity of supervision and the enforcement of the pharmacy law is shown in that stores are left repeatedly and continually in charge of persons who have not been registered, and who are thus allowed to dispense poisons and dangerous compounds of which they have no definite knowledge.

Two stores are sometimes attempted to be conducted under one certificate ; and under the liquor laws a sixth-class license is obtained at a nominal fee, it being a privileged license to sell for medicinal purposes, the provisions of which are grossly violated, and the profession greatly disgraced thereby. Such persons should be restrained and

punished ; a revocation of both license and certificate of registration by the proper authorities would be a power for good.

From the limited means at our command, we are unable to employ assistance in correcting the abuses mentioned ; we would, therefore, respectfully suggest that the laws be amended so as to provide a sufficient income to enable us to prosecute the work, either by re-registration annually of all pharmacists in the State, — a plan adopted by many other States, — or by a moderate increase of fees for examination. Ample time having elapsed for all to have become acquainted with the requirements of the law, proper penalties should be provided for violations.

During the past year we have held nineteen sessions at 13 Beacon Street, as follows : —

Oct. 1, 1889, four members present, fourteen examined, six passed, eight rejected. At this meeting organized by electing H. M. Whitney president, and F. H. Butler secretary.

						Members Present.	Examined.	Passed.	Rejected.
1889.									
Oct.	2,	.	.	.	.	3	14	6	8
Nov.	13,	.	.	.	.	3	14	3	11
	14,	.	.	.	.	4	16	5	11
1890.									
Jan.	7,	.	.	.	.	3	13	7	6
	8,	.	.	.	.	3	16	10	6
Feb.	18,	.	.	.	.	5	11	6	5
	19,	.	.	.	.	4	15	8	7
	20,	.	.	.	.	4	17	8	9
April	8,	.	.	.	.	3	13	8	5
	9,	.	.	.	.	3	16	4	12
May	6,	.	.	.	.	4	15	5	10
	7,	.	.	.	.	3	16	10	6
	8,	.	.	.	.	3	15	6	9
	20,	.	.	.	.	3	15	8	7
	21,	.	.	.	.	3	13	5	8
	22,	.	.	.	.	3	15	5	10
June	10,	.	.	.	.	4	15	6	9
	11,	.	.	.	.	4	16	7	9
Total, 19 meetings,							279	123	156

Of the above, 170 are original or first examinations ; and 109 are re-examinations.

FINANCIAL STATEMENT.

Oct. 1, 1889, cash in hands of State Treasurer,	\$1 95
Received during the year for 170 examinations at \$5, \$850 00	
Received during the year for 109 re-examinations at \$3, 327 00	
Received for 12 duplicate certificates at 50 cents,	6 00
Received from applicants not examined,	206 00

Total receipts for the year, 1,389 00

Total amount in hands of State Treasurer, . . . \$1,390 95

Drafts have been as follows:—

	Services.	Expenses.
H. M. Whitney,	\$130 00	\$68 77
F. H. Butler,	235 00	94 55
H. A. Estabrook,	17 50	13 45
J. H. Manning,	72 50	85 10
John Larrabee,	95 00	22 86
	<hr/>	<hr/>
	\$550 00	\$284 73
Total,		\$834 73

A. Lane, \$48; T. T. Bailey, \$6; (monitors),	\$54 00
G. C. Cannon, engraving certificates,	4 05
Vox Populi Press, stamped envelopes and printing,	55 00
Winkley, Dresser & Co., paper fasteners,	2 13
Dunton & Potter, printing,	4 50
Remington's Pharmacy,	5 20
Seals, stamps, telegraphing, etc.,	9 05
	<hr/>
	133 93

Balance, \$422 29

\$1,390 95

Balance in hands of State Treasurer, 422 29

LIABILITIES.

J. J. Whipple,	\$34 50
H. M. Whitney,	33 33
F. H. Butler,	125 00
J. H. Manning,	5 00
Examinations not made,	206 00
G. C. Cannon,	5 00
Vox Populi Press,	3 50
	<hr/>
	\$412 33
Balance to next year's account,	9 96

\$422 29

All of which is respectfully submitted.

H. M. WHITNEY, *President.*

JOHN H. MANNING.

JOHN J. WHIPPLE,

JOHN LARRABEE.

F. H. BUTLER, *Secretary.*

SIXTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION IN PHARMACY.

FOR THE YEAR 1891.

BOSTON :
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.
1892.



COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE, BOSTON.

FEB 1 1892

Commonwealth of Massachusetts.

REPORT.

To His Excellency WILLIAM E. RUSSELL, Governor of the Commonwealth.

SIR : — The Act establishing this Board made its first year to commence October 1st, eighteen hundred and eighty-five, and in all of our annual reports we have been careful in our financial statements to cover only the period from October to October, that a comparison might readily be made, if desired. We have also in every report called attention to the necessity of some change in the law, or provision made, by which we could comply with section seven which says : — “ It shall be the duty of the Board to investigate all complaints of disregard, non-compliance, or violation of the provisions of this Act, and to bring all such cases to the notice of the proper prosecuting officers.” In our first report, October, eighteen hundred and eighty-six, fully appreciating as we did, at that time, the importance and difficulties attending a full compliance with this section, we stated on pages seven and eight : — “ It is important that personal examination should be made occasionally by some member of the Board, or some person appointed by them, of the several places where drugs, medicines, and poisons are sold, and particularly where complaints are made of disregard, non-compliance or violation of the law, but with the income as at present regulated, such work would necessitate so great a sacrifice of time and travelling expenses, that it is beyond the financial ability of the present members of the Board. It is therefore respectfully suggested that an appropriation be made, or, as in some States, the necessary funds be secured by a renewal of registration every two years, which shall be compulsory upon all registered pharmacists.”

The Board has appeared before a joint committee of the Legislature almost every year since its organization, and urged, as forcibly as it could, the necessity of relief and aid in some form. These facts are given to more fully convey to you our appreciation of the appropriation of five hundred dollars (\$500) made by the Legislature of eighteen hundred and ninety-one, and placed at our disposal. The report of the agent employed by us, and made a part of this report, of the "Condition of Pharmacy in the State" as well as "official acts" of the Board, is earnestly commended as worthy of a careful reading and thoughtful consideration, showing as it does most clearly the utter recklessness and hazard assumed by an exposure of druggists' bottles and drawers to an unsuspecting people, and the *fraud* perpetrated upon local governments in obtaining sixth class liquor licenses.

Previous to the employment of our present agent, we sent an agent to the western part of the State, to investigate a reported case of disregard and flagrant violation of the law, but on the day of his visit there was not sufficient cause or evidence secured to warrant a complaint in court. The Board has no desire or intention to be oppressive, or unkind, and its agent is instructed to avoid even the appearance of persecution, and we earnestly hope the timely recognition of our efforts by this appropriation of the Legislature, and the few convictions, with such as will follow, may prove of much benefit and protection to the people; yet we feel it would be wise to continue investigation from time to time until gross violation of the pharmacy laws ceases, and the *fraud* in obtaining a pharmacists' liquor license by *druggists' wares* alone, is made impossible.

It has been the purpose of the Board since its organization in eighteen hundred and eighty-five to steadily advance the requirements for registration, keeping a little in advance of the average pharmacist of the period, and so, as rapidly as would be consistent with justice to applicants, keep in full pace and accord with the general advance in all professions and crafts. That this has been done, is apparent from the records of the Board, which are open to the inspection of any one interested.

A few questions and answers will convey some idea of some of the persons, who, were it not for the pharmacy law forbidding, would to-day be proclaiming themselves competent and skilled pharmacists.

Q. What is the source of tartaric acid? A. The hen's stomach.

Q. What do you understand by the term dialysis, for example, dialyzed iron? A. Means the reducing a drug to liquid by electricity.

Q. What is reduced iron? A. It is the reducing from a higher to a lower state.

Q. What would take place if you should mix tinct. cinchona comp. with tinct. chloride of iron? A. Cinchonine and ferric chloride would unite and form an explosive mixture.

Q. What is cochineal? A. It is from the earth.

Q. Give source of cream tartar? A. It is a metal.

Q. What is the source of tannin? A. From minerals.

Q. What is the source of lactic acid? A. Sugar cane [another said it was one of the salts of opium].

Q. What is the source of phosphorous? A. From the earth.

Q. Meaning of *capiat*? A. Mix.

Q. Meaning of *na. br.*? A. Hydro bromic acid.

Q. Where or how do we get cream tartar? A. It is made in the laboratory.

Q. What percentage of alcohol does the pharmacopia require in the ordinary sherry wine? A. Forty and sometimes fifty per cent.

One applicant claiming to have had ten years' experience was utterly unable to give the number of grains of cocaine required in making a two drachm solution of four per cent. ; guessing sixteen, ten and twelve grains.

The above answers were all given during the past year, and when considered with the answers given as to impurities, incompatibles, relative value of minims and drops, doses, antidotes of poison, etc., are sufficient to convince any honest mind of the value of the pharmacy law and thus protecting the people by *rejecting* all such applicants for registration.

At the first meeting of the Board for organization H. M. Whitney was elected president and F. H. Butler secretary. There have been twenty-two meetings of the Board for examinations at 13 Beacon Street as follows : —

					Members Present.	Examined.	Passed.	Rejected.
1890.								
Oct.	7,	.	.	.	3	15	5	10
	8,	.	.	.	3	16	7	9
	9,	.	.	.	3	16	7	9
Nov.	12,	.	.	.	4	13	5	8
	13,	.	.	.	4	11	4	7
1891.								
Jan.	6,	.	.	.	3	12	4	8
	7,	.	.	.	3	15	5	10
	8,	.	.	.	3	14	9	5
Feb.	25,	.	.	.	3	16	7	9
	26,	.	.	.	3	14	5	9
	27,	.	.	.	3	14	2	12
May	5,	.	.	.	4	15	5	11
	6,	.	.	.	4	15	4	11
	7,	.	.	.	4	15	6	9
	19,	.	.	.	4	13	5	8
	20,	.	.	.	4	15	5	10
	21,	.	.	.	3	14	4	10
June	9,	.	.	.	4	13	6	7
	10,	.	.	.	4	15	6	9
	11,	.	.	.	4	17	6	11
Sept.	2,	.	.	.	4	10	2	8
	3,	.	.	.	4	16	6	10
						315	115	200

Of the above, 184 are original or first examinations, and 131 are re-examinations.

A brief summary of the six years examinations may be of interest.

	Examined.	Rejected.
First year,	101	79
Second year,	167	97
Third year,	213	124
Fourth year,	276	141
Fifth year,	279	156
Sixth year,	315	200

FINANCIAL STATEMENT.

Oct. 1, 1890, cash in hands of State Treasurer,	\$422 29
Received during the year from applications,	\$1,304 00
Received during the year for thirteen duplicate certificates,	6 50
Total receipts for the year,	1,310 50
Total amount in hands of State Treasurer,	\$1,732 79

Drafts have been as follows : —

	Services.	Expenses.
H. M. Whitney,	\$192 50	\$92 61
F. H. Butler,	442 50	156 60
John Larrabee,	140 00	37 73
J. H. Manning,	24 75	15 00
J. J. Whipple,	25 00	9 50
A. K. Tilden,	55 00	5 50
Total,	<u>\$879 75</u>	<u>\$316 94</u>
		\$1,196 69
T. T. Bailey, services as monitor,		\$24 00
Geo. Woodward, services as monitor,		18 00
C. S. Goodwin, services as monitor,		9 00
E. L. Warren, services as monitor,		9 00
"Vox Populi Press," stamped envelopes and printing,		36 00
G. C. Cannon, engrossing certificates,		10 08
Dunton & Potter, printing,		10 50
Geo. S. Merrill, printing,		4 90
Winkley, Dresser & Co., stationery,		2 10
Wright & Potter Printing Co.,		1 85
		<u>125 43</u>
Balance,		410 67
		<u>\$1,732 79</u>
Balance in hands of State Treasurer,		\$410 67

LIABILITIES.

Examinations not made (from last year),	\$33 00	
Examinations not made (from this year),	187 50	
H. M. Whitney,	25 50	
F. H. Butler,	29 00	
Compiling and making index books (estim'd),	75 00	
Stamped envelopes and printing same, .	26 00	
	<u>\$375 50</u>	
Balance to next year's account,	35 17	
	<u>\$410 67</u>	

AGENT'S REPORT.

LAWRENCE, MASS., Oct. 28, 1891.

To the Board of Registration in Pharmacy.

GENTLEMEN: — Having been engaged by you to investigate complaints which have been made to your Board, of violation of the pharmacy laws, I respectfully submit the following report, viz. : —

I visited Fall River September 5, 6 and 7. Several places where there were registered druggists seemed to be selling liquor and nothing else; but could get nothing which would warrant prosecution. In these places a little wholesome advice was given, which seemed to have the desired effect. I also found three (*so-called*) drug stores that were running without any certificate of registration. In these cases evidence was procured, and prosecution followed.

Maurice Guerin, South Main Street, claimed to be the proprietor, and had a young man in his employ who readily put up a prescription. Neither the proprietor nor his clerk were registered.

Bernard Larouche, Pleasant Street, is a house painter. He keeps painters' supplies, also drugs and medicines. Larouche put up a prescription and labeled the bottle *poison*. He is not registered.

Squire E. Crapo, Pleasant Street, is another house painter and his place is about the same as that of Larouche. He put up a prescription. He is not a druggist, and had no registered clerk.

These three parties were told that they could have one week in which to comply with the law. The matter was left with the city marshal, who notified me at the expiration of two weeks that they had not done as they agreed. September 23, I went to Fall River and made complaints against all three. They were brought into court, and plead guilty

to compounding and retailing a certain quantity of medicine. At my suggestion, they were let off upon payment of costs. Two of them have since employed registered clerks, and the other has closed up. These three stores had the sixth class liquor license.

Between the 9th and 18th of September, I looked over the drug stores in Lowell. There are over eighty in all. Forty of them I am told, have started since May 1, 1890. A majority of them were registered, or had registered clerks. There were nine stores doing business on a liquor license without any certificate of registration, or registered clerk. Four had no certificate or liquor license. Two were doing business on the certificates of men who are dead; several other places had certificates and licenses both in the name of men who could never be found on the place, and were not the proprietors of the stores.

At one place I called for the proprietor, and was told that the lawyer was out, and that they never put up prescriptions. At another place the man in charge was so drunk he could not stand alone, or read a prescription. At another place I asked to see the man whose name appeared on the certificate, and was told by the man in charge that he had been there two months and had never seen him. I have learned since that the man is not in the State and has not been for some months. The police have raided this place since then, and the liquor license has been revoked.

The name of one registered druggist appeared on three liquor licenses, two of which were used where there was no registered druggist; one of them has since been revoked.

At another place, the name of a well-known druggist in another city appeared on a liquor license.

There were others equally as ridiculous. I could not get a prescription put up at any of them. In every case the excuse was, "our registered man is out;" or "there is something called for on the prescription that we are all out of."

There is one case now pending in the Lowell police court, where a prescription was put up by an unregistered man in the presence of the proprietor who is himself unregistered, but claims to have a partner whose certificate is there.

September 19 and 20 I visited Worcester. The most of the drug stores were all right. In one store the certificate was in the name of one man, the liquor license in the name of another, while a third man claimed to be the proprietor. Since then the license has been withdrawn, and the registered man has bought out the place. He has applied for a liquor license in his own name.

I found two places that had licenses in one man's name; that man claimed to be a registered pharmacist, but had no certificate in either place. One of the places has since been raided by the police, and the license revoked. I could not get a prescription filled in either store.

There were several other places in Worcester that were unregistered, but they would not put up a prescription.

Edmund A. Cadoret, a young man who keeps on Lamartine Street, put up a prescription without any hesitation. He is the proprietor of the place, and is not registered. He has no clerk. He was brought into court and fined twenty-five dollars, which he paid. He has done no business since, but is waiting for a chance to sell out. Several of these places have changed hands since my visit, and all are in a state of uneasiness.

I visited the drug stores in Natick, September 19, but could discover no irregularities.

September 29, I visited the drug stores in Haverhill. I found a registered man in every place, and in all but two the proprietors were registered. Some of them bore evidence of doing a liquor business, but could see nothing that day.

October 2, I went to Watertown. Found a young man there named John Hudson, who is not a registered pharmacist, running a place for E. E. Jennison, of Waltham, who is registered and runs a store in Waltham. In May, 1891, he put up a prescription, a dangerous mixture, which was sent to a member of the Board, with a copy of the original prescription. I called there October 2 and presented the empty bottle to be refilled. Hudson very readily filled it. He came into court October 21, and was convicted of compounding and retailing medicines without being a registered pharmacist. He was fined fifty dollars, from which

sentence he appealed to the superior court, to be holden at Cambridge in February, 1892.

In Waltham the druggists seemed to be doing about right, with a few exceptions, where liquor selling was the principal business.

Visited Salem October 6; found very few irregularities, which were arranged without prosecutions.

October 9 and 12, went to Lynn. Everything there appeared to be about right, with two exceptions, which are still under investigation.

October 21, visited Newton, West Newton and Newtonville. Found three drug stores in each place, and all seemed to be doing a straight business.

In several places where I have called, men have employed a registered pharmacist for a few days about the first of May, until they get their liquor license, and then let them go. Two parties told me they had had a registered man, but he drank so they had to let him go. They both named the same man, and both had him in the month of May.

Owing to the short time I have had to investigate the cases referred to me by the Board of Pharmacy, I have been unable to visit them all in time for this report.

During my eighteen years' experience as an officer, four consecutive years as city marshal of Lawrence, I have never found anything so difficult as procuring evidence to convict a person for violation of the pharmacy laws. To remedy this, I think the law should be so amended as to make it an offence to expose drugs and medicines for sale in any place where there is not a registered pharmacist.

It is impossible under the present law to convict a man, unless he puts up a prescription, or sells poison in some form; and there are a great many *so-called* druggists in the State who will do neither.

CLINTON P. VOSE.

That some good has resulted in various ways from the work as indicated in the above report we know, and it is for the Legislature to determine whether we shall continue in this line, or the enforcement of the law placed in other hands.

If left with us, we earnestly ask for such legislation as will enable us to use as evidence the exposing for sale drugs and medicines of any kind, or exposing druggists' wares as a mere sign indicating that it is a drug store by any one not a registered pharmacist, and that such exposure shall be deemed sufficient evidence for conviction under the law.

Respectfully submitted,

H. M. WHITNEY, *President*,
F. H. BUTLER, *Secretary*,
JOHN LARRABEE,
AMOS K. TILDEN.

BOSTON, MASS., NOV. 17, 1891.

SEVENTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION
= IN PHARMACY.

FOR THE YEAR 1892.

BOSTON :
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1893.

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JAN 15 1893

Commonwealth of Massachusetts.

REPORT.

To His Excellency WILLIAM E. RUSSELL, Governor of the Commonwealth.

SIR:—In making this, the seventh annual report of the condition of pharmacy in the State, we must refer to our sixth annual report, and add that continued and careful examinations, made by our agent Mr. Vose, exhibit a condition at the present time quite as bad as in November of 1891. Following a no-license vote, ex-saloon men seek the aid of a registered pharmacist at a liberal compensation to open a drug store, that the saloon business may be continued under the protection and guise of a pharmacist's license. While the existing law should be sufficient to protect the people from this hazard to an unsuspecting public, the licensing power does not seem able or willing to withstand the pressure brought to bear by the liquor traffic.

It is with much shame and sorrow that we admit any registered pharmacist will lend his aid to such a degrading work; but our investigation shows conclusively that it is rarely any pharmacist registered by examinations can be thus seduced. From the ranks of those registered without examination, as required when the law went into effect, are found nearly all of the vagabonds who sell themselves for this work, as they are not qualified for the present demands upon a pharmacist. To remedy this fearful evil, or to stop the increase of these dens of vice and crime, and protect innocent and ignorant people, who, seeing druggists' wares exposed, unwittingly purchase what may prove to be a life-destroying instead of a life-giving remedy, is beyond the power of this Board.

With the exception thus plainly indicated, pharmacy as generally understood is making rapid strides in the interests of the public in this Commonwealth. The Massachusetts College of Pharmacy and the Massachusetts State Pharmaceutical Association are exercising such a decided influence in the educational line; and the practical as well as theoretical examinations of the Board of Registration, all combined, have worked harmoniously together, so that it can be truly said we are rapidly securing intelligent, well trained and qualified pharmacists. Were it not for the work of the Board of Registration, and the rejection of so many incompetent applicants, the State would be overrun with the class referred to above. For the credit of the State and the protection of the large masses of the people, it is a necessity that wise and positive legislation should remove the existing evil and prevent this fraud.

A few questions and answers at our last meeting, September, 1892, exhibit the ignorance of several applicants seeking registration to enter the drug business:—

What is ergot? *Ans.* It is a root.

What do deuto., bin. and hypo., as prefixes, signify? *Ans.* Deuto. is single, bin. is single, hypo. is double.

How would you make pills of nitrate of silver? *Ans.* Soap would be a good excipient.

What are nutgalls? *Ans.* A fruit of some plant.

What is ergot? *Ans.* The kernel of rye.

Name the officinal preparations of mercury. *Ans.* Ointment of mercury; don't think of any other.

What is calomel? *Ans.* A mercuric chloride.

What is kino? *Ans.* A cathartic gum.

What is a gum? *Ans.* An aqueous solution of fatty substances.

What is the source of opium? *Ans.* Dug from the ground. Judge so from its appearance, resembling balls like potatoes.

Comment is unnecessary.

We desire to gratefully acknowledge the appropriation made by the Legislature, and we herewith present the report of our agent in detail, with the suggestions made, enforcing them with the assurance of our hearty approval.

AGENT'S REPORT.

LAWRENCE, MASS., Oct. 1, 1892.

To the Board of Registration in Pharmacy.

GENTLEMEN: — I respectfully submit the following report of my labors for the year ending Sept. 30, 1892.

In November and December, 1891, and January, 1892, I visited a large number of drug stores in Boston. The most of them were complying with the law. Some were running two stores on one certificate of registration, some were running on certificates of men who were dead, while others were running without certificates of any kind. Four of these were brought into court and three convicted. I have been there several times since, and have always found violations of the law, but have not been able to procure evidence sufficient to warrant prosecutions.

I visited Somerville in February. In most places the law was complied with. One prosecution followed, in which the party was convicted and paid a fine.

In March I visited Reading, Malden and Cambridge. In the latter place I found some irregularities, but could not find any cases of violation which I could prosecute.

In May I looked over the drug stores in Lawrence, prosecuted one case, where the party was convicted and appealed to the superior court, where the case is pending now. Several places there are run more for the sale of liquor than for anything else, and licenses have been granted to parties who should never have had them, but by employing registered clerks they conform to the law.

In June I visited the drug stores in Haverhill, Amesbury and Newburyport. In Haverhill there were thirty-three drug stores, in all of which the proprietors were registered pharmacists or employed registered clerks. There has been quite an increase in the number of stores since the first of May, owing no doubt to the fact that none but sixth-class licenses are granted there. In August five more licenses were granted to new stores. In these last the licenses were granted to clerks who are registered, the real proprietors being men who until May 1 were engaged in the

liquor business in Haverhill. Nearly all of the clerks who are in these places were registered when the law went into effect, and allowed all clerks who had been employed about a drug store in any capacity to become registered. In that way a great many men are in the drug business to-day who are wholly unfit to put up a prescription or perform any of the duties required of a first-class druggist.

In July I went through the drug stores of Gloucester. They are nineteen in number. In nearly all the proprietors were registered; where they were not, a registered clerk was in charge. Some of the stores had every appearance of doing a thriving liquor business. One druggist told me that there was not drug business enough in Gloucester to support three stores.

In August I looked over the stores in Taunton, Fall River and New Bedford. In Taunton there are ten drug stores, in all of which the proprietors are registered. There was very little indication of liquor business, and every one seemed to be doing a straight drug business. This was my second visit to Fall River, and I took a list of all who had started up within a year. There were several who were doing business illegally. In one place I called for the man whose name appeared on the liquor license (the supposed proprietor), and was told that he had been gone two months. I inquired for the proprietor, and was told that there were two. Both of them were in other business, and neither were druggists; the man in charge was not registered, and the only authority they had for running the store was the liquor license of a man who had been out of town two months. At another place I called for the man whose name appeared as proprietor at the city clerk's office, and was told by a boy in charge that the man had left. His license was there, also his certificate of registration. When asked if they put up prescriptions, I was told that they did not. At another store I inquired for the supposed proprietor, and was told that he had started another store, and had taken his license and certificate with him. There was a certificate on the wall, and I was told that it belonged to a clerk who was employed there. I afterwards learned that this clerk had been employed at other business for three years in a distant part of the city. These are but a part of the cases of a similar character that exist in Fall River. In some of these places the value of the whole stock in trade of drugs would not exceed one hundred dollars. Two of these parties were brought into court and fined.

In New Bedford about the same state of affairs exists as in Fall River. In some cases men were running stores on certificates from

other States, some were running two stores on one certificate, and others had none at all. One man who advertised extensively could never be found in, and the man in charge would not put up a prescription. The place looked more like a junk shop than a drug store. At another place I asked the proprietor if he had a registered pharmacist, and was told that he had, but that he was sick that day; when asked for his certificate of registration he did not seem to know what it meant, but finally referred me to the city clerk. There were not two dozen bottles in the place, and what there were were nearly empty. There have been no licenses granted there this year, but it appears to make no difference to this class of druggists. Four of these parties were brought into court and convicted, two paid fines, and two appealed to the superior court, where the cases are now pending.

During September I have investigated several cases in Boston, but have not been able to find sufficient evidence to warrant prosecutions. The police of Boston, and of all other places that I have visited, have given me all the assistance possible, and have greatly aided me in the prosecution of cases.

In all the cities visited by me the past year my relations with legitimate druggists have been very pleasant and agreeable, and in no case have I found one who was not heartily in accord with the work going on, their only regret being that we could not do more.

I have had fourteen cases before the court since my last report, and have secured convictions in eleven of them. In all cases I have tried to avoid any appearance of persecution, and have only done what I considered my duty in the proper enforcement of the law. In most cases the parties have had counsel, and have had advantages in that respect which I have not, and they can in no case claim that they have not had proper treatment from me.

In my opinion, one of the worst features of the drug business is the wholesale granting of sixth-class licenses to irresponsible parties. Many of them procure a license in May of each year, with the help of a cheap drug clerk, generally one who cannot get employment in a respectable drug store, and soon after discharge him and give up everything but the sale of liquor.

Cases have come to my knowledge where one clerk has assisted two or more parties to procure a license in the same year. Some of these places will not put up a prescription of any kind, but continue to display their fancy bottles, filled in some cases with water of different colors, to give the place to outsiders the appearance of a drug store. If a prescription comes in, they will say that it calls for something that they are all out of, and turn the person away.

As the law in relation to druggists now stands, in order to convict you must have evidence of selling, compounding for sale or dispensing drugs, medicines, chemicals or poisons. Under this law there is nothing to prevent a man from keeping a drug store as long as he desires. He must be caught doing business in order to convict. You will readily see the difficulty in bringing a man to justice who runs his drug store solely for the purpose of selling liquor. It seems to me that a change in the law should be effected, making it an offence for any one other than a registered pharmacist to keep or expose for sale drugs, medicines, chemicals, poisons or druggists' wares, or in any way convey the impression that it is a drug store. In this way legitimate druggists and the public would be protected, and the law more easily enforced. Until some change is made, the work of enforcing the law will increase, as new ways of evading it are constantly springing up.

My sincere thanks are due to your Board, and also to the many reputable pharmacists of the State, for the courtesy and kindness shown me, and also for special assistance in my labors.

CLINTON P. VOSE.

At a meeting of the Massachusetts State Pharmaceutical Association, held in Springfield, Sept. 6, 1892, the following resolutions were unanimously adopted by a rising vote:—

1. *Resolved*, That the Massachusetts State Pharmaceutical Association assembled at Springfield, Sept. 6, 1892, hereby places itself upon record as opposed in every way to the sale of intoxicating liquors in any form other than prescribed by the intent and purpose set forth in the present law for medicinal, chemical and mechanical purposes.

2. *Resolved*, That the large increase of drug stores in several cities of the Commonwealth is solely for the purpose of selling liquors; and that the sixth-class license, so called, is working to the injury rather than the protection of the honest pharmacist, and, unless the growing evil is remedied, had better be repealed.

3. *Resolved*, That this association most emphatically declares that the charge often made that drug stores are "fashionable saloons," and that "all pharmacists will sell liquor to be drank on the premises," is an absolute and malicious falsehood; that such slanders are an outrage; that such charges have been, and are, an excuse and a direct cause of the opening of saloons under the livery of a drug store.

4. *Resolved*, That, as reputable pharmacists, we are suffering in reputation by the operation of the license law, as now enforced, and that it is not only our privilege but positive duty to demand from the Legislature such amendments as shall wipe out the existing evil, and prevent the ex-saloon men from masquerading as pharmacists.

5. *Resolved*, That the committee on legislation be and are hereby instructed to petition the next session of the Legislature as follows :—

Whereas, The United States Pharmacopœia recognizes distilled and fermented liquors as valuable medicinal agents, and of necessity they must be kept in stock by the pharmacist for varied compounds and sale as remedial agents; *and whereas*, the attempt thus far to prevent an abuse of this necessity has signally failed, we, the members of the Massachusetts State Pharmaceutical Association, pray your honorable body for such action as shall bar out the fraud now perpetrated, and make it impossible for any one to open a drinking or liquor-selling saloon under the livery or protection of a drug store or pharmacy.

Thus it will be seen that the intelligent, honest pharmacists of the State are doing all in their power to faithfully aid and assist in protecting the people of this Commonwealth, and most heartily and enthusiastically join us in the demand for such legislation as will absolutely remove and prevent the frauds perpetrated upon the people by the licensing power, who apparently fail to catch and apply the spirit and intent of the present law.

The Board met for organization Oct. 6, 1891, and H. M. Whitney was elected president and F. H. Butler secretary. There have been thirty-six meetings of the Board for examinations, each meeting averaging from 9 to 1, and 2 to 6 o'clock, as follows :—

					Members Present.	Examined.	Passed.	Rejected.
1891.								
October	6,	.	.	.	3	12	4	8
	7,	.	.	.	4	15	5	10
	8,	.	.	.	4	14	4	10
	27,*	.	.	.	4	—	—	—
November	17,	.	.	.	4	11	4	7
	18,	.	.	.	4	16	6	10
	19,	.	.	.	4	15	2	13
1892.								
January	5,	.	.	.	3	14	6	8
	6,	.	.	.	4	16	4	12
	7,	.	.	.	3	14	1	13
February	9,	.	.	.	4	11	3	8
	10,	.	.	.	4	15	3	12
	11,	.	.	.	4	12	8	4
March	1,	.	.	.	4	9	4	5
	2,	.	.	.	4	14	2	12
	3,	.	.	.	4	14	6	8
	29,	.	.	.	5	15	3	12
	30,	.	.	.	5	14	2	12
	31,	.	.	.	5	15	7	8
April	19,	.	.	.	4	11	2	9
	20,	.	.	.	5	11	3	12
	21,	.	.	.	5	15	5	10
May	3,	.	.	.	4	16	3	13
	4,	.	.	.	4	15	6	9
	5,	.	.	.	4	13	3	10
	17,†	.	.	.	5	10	5	5
	18,	.	.	.	5	15	4	11
	19,	.	.	.	5	15	4	11
June	7,	.	.	.	4	15	4	11
	8,	.	.	.	4	12	5	7
	9,	.	.	.	4	15	7	8
	21,	.	.	.	4	8	1	7
	22,	.	.	.	4	13	4	9
	23,	.	.	.	4	15	6	9
September	13,	.	.	.	3	10	3	7
	14,	.	.	.	3	14	4	10
	15,	.	.	.	3	15	4	11
Total, thirty-six meetings, . . .						488	147	341

Of the above 488, 235 are original or first examinations, and 253 are re-examinations.

* This meeting was to act on the annual report.

† Four ladies.

A brief summary of the seven years' examinations exhibits the increasing work of the Board : —

	Examined.	Rejected.
First year,	101	79
Second year,	167	97
Third year,	213	124
Fourth year,	276	141
Fifth year,	279	156
Sixth year,	315	200
Seventh year,	488	341

FINANCIAL STATEMENT.

Oct. 1, 1891, cash in hands of State treasurer,	\$410 67
Received during the year from applications,	\$1,981 00
Received during the year from nine duplicate certificates,	4 50
	<hr/>
Total receipts for the year,	1,985 50
	<hr/>
Total amount in hands of State treasurer,	\$2,396 17

Drafts have been as follows : —

	Services.	Expenses.
H. M. Whitney,	\$285 00	\$136 85
F. H. Butler,	522 50	226 55
John Larrabee,	177 50	40 45
A. K. Tilden,	112 50	15 00
John A. Rice,	90 00	103 90
	<hr/>	<hr/>
Total,	\$1,187 50	\$522 75
	<hr/>	<hr/>
		\$1,710 25
T. T. Bailey, services as monitor,		\$81 00
E. L. Warren, services as monitor,		9 00
E. C. Gould, services as monitor,		9 00
William Dempsey, services as monitor,		9 00
Josephine C. Butler, making five index records,		52 50
Bacheller, Dumas & Co., five index books,		22 50
Dunton & Potter, printing examination questions,		9 00
"Vox Populi Press," stamped envelopes and printing,		42 75
C. F. Hatch & Co., rolls for certificates,		2 00
Winkley, Dresser & Co., stationery,		9 40
Morning Mail Company, stamped envelopes, cards and printing,		38 25
		<hr/>
		284 40
Balance,		401 52
		<hr/>
		\$2,396 17
Balance in hands of State treasurer,		401 52

LIABILITIES.

Examinations not made (from previous years),	\$49 00	
Examinations not made (from this year),	218 00	
H. M. Whitney,	28 75	
F. H. Butler,	66 15	
G. C. Cannon,	6 12	
A. K. Tilden,	1 50	
	<hr/>	\$369 52
Balance to next year's account,	32 00	
	<hr/>	\$401 52

In concluding this report, we most earnestly request a careful examination and consideration of the work being done. We have no desire to magnify or proclaim the value of our work in the interest and protection of the people of this Commonwealth, but we confidently assert, from our own experience, and from the kind words of encouragement so often heard by us and our agent, Mr. Vose, that much good has been accomplished, much moral evil prevented, and that we have the hearty approval and appreciation of all thoughtful and honest people, and great regret is daily expressed that legislation does not more effectually aid the work.

Respectfully submitted,

H. M. WHITNEY, *President.*

JOHN LARRABEE.

AMOS K. TILDEN.

JOHN A. RICE.

F. H. BUTLER, *Secretary.*

Boston, Oct. 5, 1892.

EIGHTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION
IN PHARMACY.

FOR THE YEAR 1893.

BOSTON :
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.

1894.

U

Commonwealth of Massachusetts.

REPORT.

BOSTON, 13 BEACON STREET, Oct. 5, 1893.

TO HIS EXCELLENCY WILLIAM E. RUSSELL,
Governor of the Commonwealth.

SIR:—As required by section 6 of the pharmacy law, the following report of the official acts, receipts and disbursements of the Board are respectfully submitted.

Oct. 4, 1892, the Board met at their rooms, 13 Beacon Street, and organized by the election of H. M. Whitney, president, and F. H. Butler, secretary. The law requires “three regular meetings in each year, one on the first Tuesday of January, one on the first Tuesday of May, and one on the first Tuesday of October; and such additional meetings, at such times and places, as they may determine.” During this, the eighth year, ending Oct. 1, 1893, forty meetings have been held.

At thirty-nine of these meetings five hundred and forty-four applicants were examined, orally and alone, by two or more members of the Board; by a written reply to twenty printed questions, involving about one hundred answers; and by an examination of twenty samples of drugs, simples and compounds. It has been the purpose of the Board to require of each applicant such knowledge, experience and familiarity with drugs old and new, common and specific names, use, dose, antidotes of the ordinary poisons, etc., as shall satisfy us that he is entitled to registration, and is fairly up to the requirements of the day. We desire, at as early a day as possible, to apply the additional test of some practical pharmaceutical work.

As the new Pharmacopœia, in all its preparations, gives the weights and measures in the metric system, a thorough familiarity with it will be required after Jan. 1, 1894.

That we may have granted registration to some who were incompetent is possible; but the following table, exhibiting

results of our examinations, will show an effort at least to do our work fearlessly, and in the interests of the people whom we represent : —

DATE.		Members Present.	Examined.	Passed.	Rejected.
1892.					
October	4,	4	11	4	7
	5,	4	13	1	12
	6,	4	16	4	12
November	15,	3	9	2	7
	16,	3	15	4	11
	17,	3	16	4	12
December	6,	4	10	2	8
	7,	4	15	5	10
	8,	4	15	5	10
1893.					
January	3,	4	11	—	11
	4,	4	14	4	10
	5,	4	15	2	13
February	7,	4	11	4	7
	8,	4	15	2	13
	9,	4	16	3	13
March	14,	3	15	3	12
	15,	4	15	2	13
	16,	4	14	5	9
April	3,	4	13	1	12
	4,	4	15	4	11
	5,	4	15	4	11
May	18,	4	11	2	9
	19,	4	15	3	12
	20,	4	15	5	10
	2,	4	14	—	14
	3,	4	14	1	13
	4,	4	15	5	10
	16,	3	16	5	11
	17,	4	10	1	9
June	18,	4	16	4	12
	31,	4	15	2	13
	1,	3	16	5	11
	2,	3	14	5	9
	13,	4	12	2	10
	14,	4	15	5	10
	15,	4	15	6	9
September	12,	5	12	7	5
	13,	5	15	2	13
	14,	5	15	4	11
			544	129	415

September 12, special meeting, 7.30 to 11 P.M., . . . 1

Sessions for examinations, 39

Total sessions, 40

Of the above 544 examinations, 208 are original or first examinations.

Passed on the first examination,	51
Passed on the second examination,	36
Passed on the third examination,	16
Passed on the fourth examination,	11
Passed on the fifth examination,	3
Passed on the sixth examination,	6
Passed on the seventh examination,	2
Passed on the eighth examination,	2
Passed on the ninth examination,	2
Total passed for the year (about 24 per cent.),	129
Total rejections for the year,	415
Total examinations,	544

A brief summary of the eight years' examinations exhibits the increasing work of the Board:—

	Examined.	Rejected.
First year,	101	79
Second year,	167	97
Third year,	213	124
Fourth year,	276	141
Fifth year,	279	156
Sixth year,	315	200
Seventh year,	488	341
Eighth year,	544	415
	2,383	1,553

Total passed (nearly 29 per cent.), 830

We regret the necessity which compels us, in making up this report, to record, as in former years, the astonishing ignorance of some who seek to become registered pharmacists, as exhibited by the following answers:—

Proto- and deuto-iodide of mercury are the same.

Hypo, per and sub all mean strong.

Hoffman's anodyne is sweet spirits of nitre. Another said it was tincture of iodine.

Camphor comes from the earth.

Spirit of mindererus is made from acetate of soda and liquor ammonia.

Vinum album fortior contains ninety-four per cent. of alcohol.

Bismuth is an herb, and so is subnitrate.

Simple ointment is pure vaseline.

Simple cerate is pure wax.

Source of pepsin is the gall of a hog.

Lactic acid is used in ulcers.

Hirudo means "hurry."

Fusion is evaporating a substance.

Secale cornutum is hemlock. Another said it was the tops and leaves of some herb.

Solution of persulphate of iron is used as a carminative.

Solution of subsulphate of iron is a weaker preparation.

Lanoline comes from lard. Another said it was from suet.

To detect calomel from corrosive sublimate, drop some of the powder in water, and if it is calomel it will dissolve right off.

Citrine ointment is made by infusing nitrate of lead with nitric acid. Another said it was a mixture of hydrargyri chloridi citras, one-half drachm, with petrolatum, one and one-half ounces.

One applicant, aged forty-six, and claiming to be a physician and pharmacist of fifteen years' experience, when asked what he would do in case of poisoning from nitrate of silver, said he would send for an undertaker. When pressed for an answer as a physician, said he would give an emetic of sulphate of zinc. He also said:—

Perchloride of mercury is calomel.

Deuto-iodide of mercury is red precipitate.

Tincture of aconite, drops and minims are the same.

Secundum artem is two ounces.

If there has ever been an objection to the Pharmacy Board, the above answers to simple questions ought to satisfy any honest person that the "condition of pharmacy in Massachusetts" would not improve without a Pharmacy Board to protect the people from the hazard of such fearful ignorance, by refusing registration unless better qualified.

FINANCIAL STATEMENT.

Oct. 1, 1892, cash in hands of State treasurer,	\$401 52
Received during the year from applications,	\$2,146 00
Received during the year from six duplicate certificates,	3 00
Total receipts for the year,	<hr/> 2,149 00
Total amount in hands of State treasurer,	<hr/> \$2,550 52

Drafts have been as follows:—

	Services.	Expenses.	
H. M. Whitney,	\$290 00	\$148 25	
F. H. Butler,	570 00	299 10	
John Larrabee,	15 00	3 54	
A. K. Tilden,	167 50	12 75	
John A. Rice,	180 00	218 36	
Total,	<u>\$1,222 50</u>	<u>\$682 00</u>	\$1,904 50
T. T. Bailey, services as monitor,		\$117 00	
Winkley, Dresser & Co., stationery,		12 45	
"Vox Populi Press," stamped envelopes, cards and printing,		92 25	
C. F. Hatch & Co., rolls for certificates,		2 00	
Damrell & Upham, dispensatory,		6 00	
G. C. Cannon, engrossing certificates,		6 12	
American Publishing Company, printing ques- tions,		13 00	
		<u>248 82</u>	
Balance,		397 20	
		<u>\$2,550 52</u>	
Balance in hands of State treasurer,		\$397 20	

LIABILITIES.

Examinations not made (from previous years),	\$81 00	
Examinations not made (from this year),	282 00	
H. M. Whitney,	23 25	
F. H. Butler,	26 30	
G. C. Cannon,	5 16	
	<u>\$417 71</u>	
Leaving a net indebtedness of	20 51	
	<u>\$397 20</u>	

The ever-annoying, pestilential evil of liquor selling, occupying so much time of the Legislature, was, during the past year, heroically met, so far as the registered pharmacists are concerned, by the amendments to the pharmacy law, which seem to meet the hearty approval of the people. This legislation was not desired by this Board as a Board of Pharmacy, but as pharmacists and citizens we unhesitatingly say it was wise and timely.

At a meeting of the Board, June 14, 1893, the following resolutions were offered, and after careful consideration were unanimously adopted:—

Whereas, The Massachusetts State Pharmaceutical Association, at the eleventh annual meeting, held at Springfield, Sept. 6, 7 and 8, 1892, by unanimous vote, instructed its committee on legislation to petition the next session of the Legislature for an act to correct the abuse of, and fraud in securing, the sixth-class liquor license; and

Whereas, The Legislature has passed such an act, making it the duty of this Board to investigate complaints and enforce the law, thus expressing confidence in the discretion of the Board; and believing the General Court have voiced the desire of the people of the Commonwealth and all reputable pharmacists of the State; it is therefore

Resolved, That, while the new and additional labors thus laid upon us greatly increase our responsibility and duties, and while, as members of the Board, we regret the burdens, yet we recognize the apparently almost unanimous desire of the people and the demand of our fellow pharmacists; and, as the Legislature has ordered, we must accept the trust.

Resolved, That four thousand copies of the pharmacy law, with recent amendments, and other acts affecting pharmacists, be printed, and ready for distribution at the next annual meeting of the Massachusetts State Pharmaceutical Association, and to other applicants interested.

Resolved, That all complaints properly coming to the notice of any member of the Board must be carefully examined by the agent; and if any case shall appear to be one not requiring a hearing before the Board, it shall be dismissed or delayed for more satisfactory evidence, as it will be the purpose of the Board to avoid unnecessary prosecution.

(Signed) H. M. WHITNEY, *President*.
JOHN LARRABEE.
AMOS K. TILDEN.
JOHN A. RICE.
F. H. BUTLER, *Secretary*.

In this connection we present as a part of our report the following statement, received from our agent, Mr. Vose. It has been impossible to give to every complaint made the time and attention desired; but we submit that, with the sum placed at our disposal, a large amount of work has been accomplished.

AGENT'S REPORT.

LAWRENCE, MASS., Oct. 2, 1893.

To the Board of Registration in Pharmacy.

GENTLEMEN:—I respectfully submit the following report of my labors as agent of your Board for the year ending Sept. 30, 1893.

In October, 1892, I looked over the drug stores in Somerville. A majority of them were complying with the law, although several were not. Four complaints were made for putting up prescriptions without being registered pharmacists, and convictions followed in each case. Three were fined, and one case was put on file. I also visited Worcester in October, and made some investigations upon complaints made to the Board, but could find nothing at that time which would warrant prosecution.

In November I visited the drug stores in Charlestown and Chelsea. Several were found who were not living up to the law, but only one in each place was doing a regular drug business without being registered. Those two were brought into court and convicted. In November I also looked over the drug stores in Wilmington, Woburn, Wakefield and Stoneham. They all seemed to be doing a legitimate business, and no complaints were made.

In December I called at the drug stores in Malden, Melrose, Medford and Everett. They were doing a straight business, with few exceptions, and nothing could be done with any of them criminally. I also finished up some court cases in Somerville and Chelsea, as previously alluded to.

In January, 1893, I went to Lynn and investigated a case, but nothing could be done in the matter. Also went to Boston and New Bedford. At the latter place two complaints were made. The parties were brought into court and convicted. They appealed to the superior court, and their cases are still pending.

In February I went to the superior court in New Bedford, Taunton and Cambridge, and looked after cases which were pending. In Cambridge the party pleaded guilty, and paid his fine. In the other cases further continuance was granted the defendants, and the cases have not as yet been disposed of.

In March I looked over the drug stores in Fitchburg, and found

them all in charge of registered pharmacists. Some of them were apparently doing quite a liquor business; but the police seemed disposed to attend to that, and no complaints were made. I also investigated several complaints in Boston. One man was brought into court, and convicted of doing a drug business without being registered. He was fined, and appealed to the superior court. He changed his location; was brought in later on a similar charge, found guilty, sentenced, and appealed as before. Both cases come before the superior court in Boston some time in October.

In April I investigated cases in Worcester, Palmer, Haverhill and Lowell. Also visited Springfield and Boston. In Palmer a man was found who was running a store for a registered pharmacist in another town. He was not registered himself, and did not claim to be. He was brought into court, found guilty, and paid a fine. In the other places visited no cases could be found which would warrant complaints.

In May I visited the drug stores in Stoughton, Canton and Newton. Also investigated a case in Worcester, which resulted in a conviction. This was the first case for keeping and exposing drugs for sale that had been brought into the courts. The party appealed; but, as nothing has been heard of the case since, he must have withdrawn his appeal and paid his fine. In Newton two stores were found where the real or supposed owner was not registered, and had procured a sixth-class license by taking a registered man into partnership. This case (the Board will remember the special complaint made) was thoroughly considered and discussed. It appearing that the liquor license was granted contrary to the intent of an act approved April 18, 1889 (chapter 270), and if any action were taken by the Board it would appear to be a reflection upon the licensing power, it was a case where the licensing board should correct their own error; and your president so wrote that board. These cases are so common that it would be impossible, even if they had the power, for the Board of Pharmacy, with their limited means, to investigate them. This is a matter which is wholly in the hands of those who grant licenses; and I think more care should be taken in granting licenses to druggists all over the Commonwealth. In Stoughton and Canton everything seemed to be all right as far as the druggists were concerned, with one exception, which was arranged without prosecution.

In June I visited the drug stores in Ayer, Athol, Orange, Greenfield and Turner's Falls. In all of these places the drug business seemed to be conducted very well. There were a few indications of liquor selling, but they were rare. I also visited the drug stores

in Marlborough. Some of them were a disgrace to the calling, but we could do nothing at that time but look them over. Since then one so-called druggist has been brought into court, had his case continued on account of the absence of counsel, and it has not yet been heard.

In July a large number of drug stores in Boston were looked over, and some important matters were looked into and arranged satisfactorily without prosecutions. Several cases in Lawrence were also investigated, and three prosecutions for keeping and exposing drugs for sale followed. They were all convicted and fined. One paid his fine and the others appealed.

In August investigations were made in Cambridge, Marlborough and Boston. There were no prosecutions.

In September several places were visited. In Medway and Milford several matters were adjusted without resorting to the courts. In East Boston, where complaints had been frequent, three parties were found who were keeping and exposing drugs for sale contrary to law. They were brought into court, and two of them were convicted and fined. They appealed to the superior court. The other had his case continued until Oct. 7, 1893. In West Acton a man was found who was doing business contrary to law. He was brought into court at Concord, Mass., where he was convicted, and paid a fine. In Charlestown a case was investigated which resulted in the arraignment of a man who kept a drug store, but is no druggist. He was convicted, and paid his fine. This is the second time this party has been convicted, and he has agreed to give up the business.

There have been twenty-one new cases brought before the lower court this year. Nineteen were convicted, and the other two have not been heard. Of this number, eleven have been settled in the lower court, eight have appealed to the superior court and two have been convicted and paid fines in the superior court; leaving six new cases, and one old case which has been continued from last term, to be disposed of in the superior court, and two to be heard in the lower court.

Having severed my connection with the Board of Registration in Pharmacy as their agent Sept. 30, 1893, I wish to thank each and every member of the Board for their kindness and courtesy to me during my time of service, and hope that they may all live to see good results from the labors they have so earnestly engaged in. My sincere thanks are also due to police and court officials for the assistance they have rendered me in the performance of my duties.

CLINTON P. VOSE.

There have been many cases where application is made for duplicate certificates, claiming the original has been lost. These applications give us a great deal of trouble, for we find in some cases it is purely an effort to secure a second certificate, that two or more sixth-class licenses may be obtained. We require a sworn statement from the applicant regarding the loss, and try in every way known to us to avoid fraud. Without any definite legislation upon this point, we strive to act justly to the applicant and to the State.

On Sept. 12, 1893, a special meeting of the Board was held, from 7.30 to 11 P.M. Messrs. Vose and Learned, who have been acting as agents of the Board, were present. Two hours or more were occupied in discussing the existing conditions, and it was the decided opinion of all present that the cases in court must be pushed to a result. As Mr. Vose could not act for us after October 1, Mr. Learned presented a proposition for one year's service. A resolution was offered, that, in view of all the facts presented, the Boston office must be kept open as much as the funds at our command would allow, and one member of the Board must be in attendance. No positive action was taken. On the 13th the records of the special meeting were read, and, upon motion, the proposition and resolution as above, after a second reading, were adopted by a unanimous vote, all members of the Board being present. The member selected could not at that time be induced to undertake the duties; later on, he decided to accept the trust. It is now the purpose of the Board to be at once in a position to receive at its office in Boston all complaints and charges of violation of the pharmacy law; and if after due inquiry it shall appear that the complaint or charge is without malice, and the interests of the people will be conserved, prosecution will follow.

The Board recognize the responsibility laid upon them, and will endeavor to act fearlessly, but with as much discretion and wisdom as they have. In this connection we desire to convey to you and the Legislature our appreciation of an implied confidence in our efforts, and a recognition of our work in the past; and we trust our acts for the coming year will meet with as hearty and encouraging words of approval

from law-abiding citizens as during the year just closed, and that in due time the pharmacists of this State will occupy such a position as their calling demands, and have absolute freedom from the charges now so unjustly made by some, — that all drug stores are liquor saloons.

As has been often stated in our previous reports, the certificates of registration granted in 1885, forms one and two,* are a continual source of annoyance and hinderance to an improved condition of pharmacy in the State. We have upon our books 3,353 registered pharmacists; 1,255 of them are of form one, 1,268 of form two and 830 of form three, or by examination. We unhesitatingly assert that many certificates of forms one and two are used by irresponsible persons for vile and illegitimate purposes. The amendments made to the law this year will enable us to weed out a few; but if some provision for re-registration, granting a renewal to those only who are known to be engaged in a reputable drug business, should be formulated and enacted, decidedly more rapid strides towards improved and reliable pharmacy would follow.

H. M. WHITNEY, *President.*

F. H. BUTLER, *Secretary.*

JOHN LARRABEE.

AMOS K. TILDEN.

JOHN A. RICE.

* Form one was granted, under the law passed in 1885, to persons engaged in the drug business on their own account; form two, to persons employed in the business having three consecutive years of practical experience (this section of the law has since been repealed); form three, to those who have passed the Board by examination.

NINTH ANNUAL REPORT

OF THE

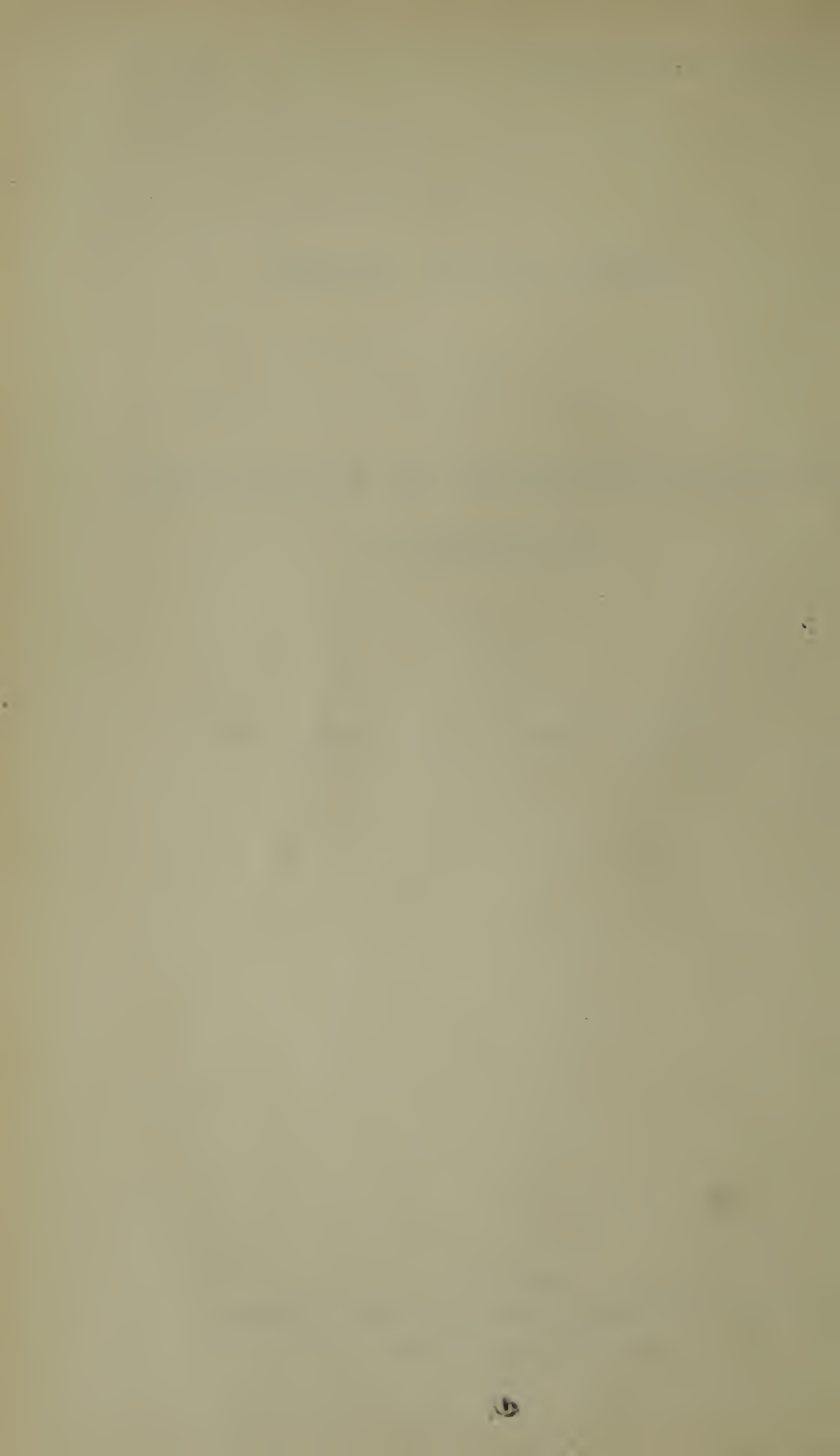
MASSACHUSETTS BOARD OF REGISTRATION
IN PHARMACY.

FOR THE YEAR 1894.

BOSTON :
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
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1895.





Commonwealth of Massachusetts.

REPORT.

Boston, Oct. 24, 1894.

To His Excellency FREDERIC T. GREENHALGE,
Governor of the Commonwealth.

SIR:—The State Board of Registration in Pharmacy, established Oct. 1, 1885, having completed another year of its service, respectfully submits the following ninth annual report, from Oct. 1, 1893, to Oct. 1, 1894, as required by section 6, chapter 313, Acts of 1885.

By the Acts of 1885 this Board was established simply for the purpose of examination and registration.

By the Acts of 1893, chap. 472, the exercise of the power to suspend, revoke, prosecute and hold hearings was made obligatory.

By the Acts of 1894 no pharmacist can obtain a sixth-class liquor license until he brings a certificate from this Board that he is a proper person, and the public good will be promoted.

Under the rulings of the auditor's department, the Board must keep three distinct accounts, viz. : the permanent fund account, Acts of 1885; the special annual appropriation account, Acts of 1893; the liquor certificates to druggists account, Acts of 1894. This report will accordingly be given in above order.

It has many times been a necessity for the Board to consider and act upon the three departments during a session called for examinations only; and almost always a session called to consider the granting of liquor certificates or pass upon complaints under the Acts of 1893 has been so con-

nected that it has been impossible to make an absolutely correct division of time and expense. Again, at any session of the Board held since June of 1894 for hearings upon suspensions or revocations, the liquor certificate question has taken up more or less time; and at nearly if not every hearing awarded to those who have been refused a liquor certificate and appear with and without counsel, work upon the other departments has been accomplished, thus reducing the expenses of the Board to the lowest possible cost. The clerical and other work in the examination department, such as records, correspondence, notices, etc., is under the charge and is made the special duty of the secretary of the Board, requiring much time and labor.

The work, such as receiving complaints, applications for liquor certificates, correspondence, prosecutions, records, arranging for and conducting hearings in the other two departments, are made the special duty of the president of the Board. As a rule, the agent employed by the Board makes the investigations outside of the office. During the past year the office has been open and the president in attendance two or three days in every week, to receive complaints and the charges of violation of the pharmacy law, as directed by vote of the Board, Sept. 19, 1893. But a great deal of work has to be done by both the president and the secretary outside of the office.

The duties, responsibilities and obligations of this Board have been so enlarged by the demands of the people and by legislation that it is now a necessity, if good work and best results are desired, that some provision be made and rules adopted, by which the original work of the Board, viz., examination and registration, shall not be interfered with as now. The Acts of 1893 imposed burdens and obligations of an entirely different character, which have become a most important factor in improving the condition of pharmacy, as will be seen by the report of this department; the issuing of certificates to obtain a sixth-class license, Acts of 1894, being a still greater departure from the original purpose of the Board. While the Acts of 1893 and 1894 are most important and of special service in a moral way, creditable and

wise legislation, they bear heavily upon the Board, not alone in the details of investigations, arranging and keeping of proper records, hearings, appeals, combating personal and persistent efforts to change the decisions of the Board, but in the judicial and personal responsibility of passing upon the question of "proper person and public good."

In our eighth annual report we mentioned the desirability of some practical pharmaceutical work. In our new rooms we have established a small laboratory, and can now, in every case where there is any apparent occasion, test the experience and practical knowledge of the applicant.

Section 4, chapter 313, of the Acts of 1885 says: "Any person . . . shall, upon the payment of a fee of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist. . . . Any person may be re-examined at any regular meeting of the Board, upon the payment of a fee of three dollars. . . ." We call attention to the fact of no limit to number of examinations or age of applicant, as one young man only seventeen years old claims the right to examination and certificate if "found qualified," and another man has had fifteen examinations, failing each time. These two cases are cited that a limit may be fixed, if deemed advisable.

As in the past, the Board has endeavored to keep the standard of qualification up to the requirements of the day, granting certificates only to those who exhibit such knowledge, experience and familiarity with drugs, old and new, as will enable them to meet the exigencies and conditions which environ a pharmacist.

PERMANENT FUND ACCOUNT.

[Meaning examinations only.]

Forty-seven meetings have been held, as follows : —

		Examined.	Passed.	Rejected.
1893.				
October	3-5,	38	8	30
October	24-26,	42	9	33
November	14-16,	45	10	35
December	6-8,	43	8	35
December	19-21,	44	16	28
1894.				
January	2-4,	42	5	37
January	23-25,	38	4	34
February	13-15,	38	8	30
March	6-8,	46	11	35
March	27-29,	43	6	37
April	10-12,	39	8	31
May	1-3,	40	4	36
May	22-24,	43	9	34
June	12-14,	45	7	38
June	19-21,	43	8	35
September	18-20,	32	5	27
		661	126	535

The number of examinations this year, 661, is an increase over the previous year of 117. The successful applicants last year were about 24 per cent.; this year, a trifle over 19 per cent.

Total number of examinations since the organization of the

Board,	3,044
Total number passed,	956

In this connection and for several reasons the following letters or brief extracts, selected as fair samples of more than one thousand received during the past year in this de-

partment alone, are given *verbatim et literatim*, and explain themselves : —

1. I am a druggist of seventeen years experience registered in the state of . . . , but I was unfortunate enough to lose my sight some time ago and am *still blind*. I desire to engage in the drug business again will you register me provided I can answer the necessary questions.

2. Enclosed please find (3.00) I would like to go up the next time. I think it would be a good idea for me to make over my salary to you as you have the biggest part of it now. [This man passed on his twelfth examination.]

3. I send you 3.00 for next examination. I don't think I did well at all this time not as well as I did at first as I did not study enough.

4. Please send me another application. I don't like to give it up. Although it is rather discouraging to have failed so many times. But its the old saying "If you don't succeed at first try and try again."

5. I hope I can keep my head better than I did the last time when Mr. Whitney put 3 straight questions to me I could not answer He knocked the sand all out of me please to send the application in a plain envelop so my clerk will not know anything about it.

6. . . . I am studying every minute in the day that I possibly can. You little imagine what hope you have aroused in me once more.

7. . . . Was once more disappointed, I wish would be reconsidered. . . . I wish you would fix it up. I cannot afford any more college courses. When is the next meeting if nothing can be done.

8. . . . Would you please try to pass him (my son) this examination as I am a poor woman, with a husband broken down in health and an invalid son.

9. Will you please send me an ablegation blank.

10. Allow me through you to thank the State Board for the certificate granted me at the last examination and for the fair examination. I expected something harder, and also for a chance to correct my mistakes, in the oral work given me by you and Pres. Whitney. . . . I thought as so few passed the examination they must be hard but now I think a great many who come before the board are poorly prepared and hope to get through by luck and not by plucky studying before their trial.

11. I received my certificate yesterday afternoon, and of course am very much pleased with it. While it required a great deal of down right hard work to obtain it, I can honestly say that I am repaid many times over by the successful ending of the examination. While a letter of acknowledgement may be uncalled for it surely is permissible. And I should not feel satisfied until I had thanked both you, Mr. Whitney, and the other members of the Board for the courteous treatment I received. I had heard previous to taking the examination some adverse criticisms offered mostly by unsuccessful candidates. . . . But after what I saw any such statements made in my presence will meet with prompt and absolute refutation.

12. I received your letter stating that I have passed the examination. It is of no use for me to attempt to portray to you my feelings. I cannot. I will endeavor to do my best as a Pharmacist and will never give up studying to that effect.

13. Yours of the sixth received. . . . In reply will say I am the happiest boy on earth. . . .

14. Your notice of my success yesterday reached me to-night. I desire to thank you and the members of the Board of Pharmacy for the courtesy shown in allowing me to appear before you so many times, also for the patience shown and the many aids given in my endeavor to reach the requisite number of marks. You have made more than one heart happy, and I shall endeavor to conduct myself and my calling so that you may never regret granting this certificate.

15. Your postal did make me feel happy this morning. . . . Being obliged to pass the Board has done me a great deal of good, as it set me to thinking and studying, and the more I study the more interested I get. I have learned lots of things the past 6 or 8 months that I probably should not have studied up if I had not been obliged to pass the State Board. It has given me a starting point and I mean to follow it up as I find that what I studied up the past year has been of great advantage to me. I never saw anyone so pleased as my sister was when I handed her your postal.

Letters of three or more pages, and from nearly every State in the Union, some seeking advice, offers of money, appeals from our decisions, etc., requiring time and care in answering, with above examples, will convey some idea of the clerical work required.

Simply for the purpose of exhibiting the audacity, the rights and privileges claimed by some in a republic as compared with the arbitrary rules of a monarchy, a few strange answers, selected from many, are quoted, showing the depravity, recklessness and fearful hazard some localities are subjected to. Were it not for the enforcement of the pharmacy law, numerous places would continue as dens of ignorance and vice, where many suffer, and none receive the aid and assistance they have a right to expect in an honest pharmacy.

STRANGE ANSWERS.

“Ergot, is a flower and comes from So. America.”

“Ad lib, means add a pound.”

“Ad lib means F. Ext. Hellebore.”

“Proto. and Per. mean the same, the highest.”

“Bi-Chloride of Mercury is calomel and there is no difference between Corros. Sub. and Calomel except the impurities which make Corros. Sub. poisonous.”

“Sydenhams Laudanum is Tin. Gent. Co.”

“The root of Aloes is the part used.”

“Bismuth is an herb and is the Alkaloid of the plant. 22 minims in a fluid drachm of laudanum. 40 drops of Chloroform in a fluid drachm.”

This man insisted the above answers were correct; he also said “for gossypium you could put up cotton seed oil, or root.”

One man writes, “Cholagogue is a perfume.”

Another writes, “Cholagogue increases the contraction of biles.”

Another writes, “Cholagogue is a medicine and acts on the womb.” The same man writes, “Castor Oil is the oily extract of the tree,” and “Citrine Oint. is Citric Acid, Mercury and lard.”

Dose of laudanum “is 30 minims and contains 1 gr. of Opium.”

“May Apple, Thorn Apple, and Bitter Apple are all the same and Podophylin is their latin name.”

“Pyroxylinum is the active principle of Gun Cotton.”

“Mitte Talis means to contract the pupil of the eye.”

“Dextrine and litharge are the same.”

“Spurred rye is barley.”

“Aloes is the inner core of an onion or substances like an onion.”

“Sub Chloride means two Chlorides.”

“Antidote for poison by Nitrate of Silver — avoid water and give Magnesia.”

“Lignin is a fatty matter.”

“Hypo. is two atoms of Hydrogen.”

“Bisulphate of Quinine is the alkaloid of Sulph. Quinine, and is the strongest.”

“One drop Tr. Opii contains 1 gr. Opium. 1 teaspoonful Paregoric contains 1 gr. Opium.”

“The antidote for Iodine is mustard, the same for sugar of lead.”

“To make absorbent cotton, take out the fluid ext. of cotton root.”

“Soc. Aloes is the powdered leaf of the Aloe tree. Barbadoes Aloes is the gum of the Aloe tree.”

A physician claiming fifteen years' experience says, “Sec. Art. is two draughts,” and “Spts. Mindererus is Spearmint.”

One applicant appearing for the sixth time had written upon his shirt cuffs seventy-four answers to pharmaceutical questions.

FINANCIAL STATEMENT.

At the close of last year there was a net indebtedness of \$20.51.

Oct. 1, 1893, cash in hands of State treasurer,	\$397 20
Received during the year from applications,	\$2,329 00
Received during the year for twelve duplicates,	10 00
Total receipts for the year,	<u>2,339 00</u>
Amount in hands of State treasurer,	\$2,736 20

Drafts have been as follows: —

	Services.	Expenses.
H. M. Whitney,	\$307 50	\$171 95
F. H. Butler, secretary,	609 00	350 45
John Larrabee,	180 00	46 95
<i>Amounts carried forward,</i>	<u>\$1,096 50</u>	<u>\$569 35</u>

	Services.	Expenses.	
<i>Amounts brought forward,</i>	\$1,096 50	\$569 35	
A. K. Tilden,	162 50	16 35	
John A. Rice,	195 00	230 06	
	<hr/>	<hr/>	
Total,	\$1,535 00	\$815 76	
	<hr/>	<hr/>	\$2,350 76
G. C. Cannon, engrossing certificates,		\$5 16	
Russell Paper Company, blocks for examinations,		45 00	
J. L. Fairbanks, blocks for examinations,		6 10	
Vox Populi, printing, stamped envelopes and postal cards,		77 20	
Dunton & Potter, printing examination papers,		17 00	
American Publishing Company, printing examination papers,		9 00	
C. F. Hatch & Co., paper rolls,		2 00	
		<hr/>	161 46
Balance,			223 98
			<hr/>
			\$2,736 20

Cash in hands of State treasurer, \$223 98

LIABILITIES.

Examinations not made, from previous years,	\$101 00	
Examinations not made, from this year,	189 00	
	<hr/>	\$290 00
Leaving a net indebtedness of		66 02
		<hr/>
		\$223 98
Possible liabilities of bills not rendered,		\$10 00

The net indebtedness this year in this department is undoubtedly due to charges for services and expenses that should have been charged to the other departments, and which, as before stated, under existing conditions it is almost impossible to avoid. Nothing should be allowed to interfere with or interrupt the work of examinations for which the Board was originally established; and if no additional duties had been required, the fees for examinations would have met and satisfied all demands.

There is a wide distinction in the honorable and appreciative work of elevating and improving by education only, and the duties of investigating charges of fraud, revoking

or suspending certificates, the enforcing of law, and the responsibility of learning who is a proper person, and that the public good will be promoted by the granting of a sixth-class liquor license. This is work, not of love and glory, but of admitted necessity; and the Board or persons upon whom such work is placed should have at their command every facility for securing good results.

SPECIAL ANNUAL APPROPRIATION FOR ENFORCING THE PHARMACY LAW. (ACTS OF 1893.)

During the year about one hundred and fifty complaints have been received. Many of them have been adjusted at the office, by a visit from a member of the Board, correspondence, or the agent, as it is the policy of the Board to avoid prosecution unless an absolute necessity exists; and in several cases where demands were made upon us for prosecution, we have found by investigation that they were beyond our province, and the cases with the facts have been presented to the proper prosecuting officers. We have no tabulated record of these cases, as we have found in nearly every one the officers were in hearty sympathy with our work, and in many cases arrests and convictions have followed. Some of these will appear in the report of the agent.

HEARINGS.

Twelve regular and formal hearings have been held, resulting in the "revoking altogether" of seven certificates, four for violation of law and three obtained by fraud, suspending four and one placed on file. Two others will be heard soon, and several complaints have recently been made, involving a possibility of suspension or revocation. In every hearing care is taken to allow every opportunity for time, counsel, and such extenuating conditions or evidence of malice in the charges preferred as may be desired. A careful record is kept of the evidence, and every effort is made to be just in the decisions rendered.

In nearly every case the Board are importuned by friends, counsel and personal appeals; sometimes by threats of prosecution, absolute repeal of the pharmacy laws, and some-

times we are told money is no object if the Board will "let up." In one case, as incidental evidence of the effort to avoid haste and injustice, a hearing was given to one witness (who could not well leave his store at any other hour) from 10.10 to 11.30 P.M. The witness was the employer and friend of the defendant.

It does not appear to the Board necessary or desirable that a detailed report of their hearings or the general work should be printed, but if required, the record and full particulars can be found at the office.

Two cases appealed to the supreme court have been decided, and the defendants have paid the fines imposed, — one of fifty dollars, the other of twenty dollars. Three certificates obtained by fraud have been discovered and surrendered upon request.

The Board are under obligations to inspector Dugan of Boston for his prompt aid in the arrest and punishment of two conspirators to obtain registration by fraud; the sentence was six months of hard labor in the house of correction. Also for his aid in preventing a stolen or purchased certificate of one deceased from being changed to meet the wants of a young man who failed in two examinations.

Out of one hundred and fifty complaints received, four or five upon investigation proved to be from malice or envy. One, giving us a great deal of annoyance, and illustrating the care exercised in avoiding "an injustice or even annoyance" to an innocent person, will convey an idea of the method pursued by the Board before serving notice to the party complained of.

April 10, 1894, the president, secretary and agent received three several complaints against a retail druggist, making distinct and definite charges of a serious and most flagrant character. The letters were well written, and the signatures gave full addresses of several complainants, with the addition of W. C. T. U. (Women's Christian Temperance Union). There was such an apparent honesty and earnest desire to have the Board act promptly, that the agent was instructed to investigate at once. Later in the day a letter from Mr. Henry Faxon was received, enclosing copy of complaint he had received. A messenger was sent, requesting Mr. Faxon

to bring in person the original of his copy to the office, which he did the following day. A careful comparison of the four letters and signatures satisfied the Board and Mr. Faxon that they were all written by the same person. Upon the return of our agent, reporting the place and the person complained of as all right, and having located the writer who had signed the names of four ladies to the several letters, he, the agent, was directed to bring in the *complainant* on the 18th. This was not accomplished without trouble and delay; but in the presence of three members of the Board and the agent, after being duly sworn, he admitted writing the four letters, and in many ways exhibited his true character as a foolish man or villain. He received as severe a reprimand as could be given him, was advised to leave the State, and warned that any further violation of the pharmacy law would be valid reason for revoking his certificate.

The correspondence, special investigation, hearings, records and detail work in this department have required of the president the largest part of one hundred and seventy days, and in several instances the president and secretary have not been able to leave the office until 10.30 P.M.

The following brief extracts from the monthly report of our agent will be read with interest.

AGENT'S REPORT.

LOWELL, MASS., Oct. 1, 1894.*To the Board of Registration in Pharmacy.*

GENTLEMEN: — I present herewith a statement of my labors in the enforcement of the pharmacy laws, noting the places visited under your direction. It would be difficult to furnish an accurate estimate of the results accomplished. In many instances abuses have been corrected upon the attention of the offenders being called thereto, and in others the violations of the liquor law have been beyond the province of the Board, and the facts as ascertained have been referred to the local authorities, who have in nearly every case co-operated heartily.

In the latter part of November, 1893, I visited Dracut; found store with no registered person, owner having a store in an adjoining town, which I also visited; result, store just mentioned closed.

Early in December, 1893, I canvassed the city of Lowell, visiting every store; found one conducted by an unregistered person, contrary to law, who after notice closed the place; later in the month found three stores having but two certificates for the three,—corrected. In July, 1894, found store without a registered pharmacist. In August again visited every store, seventy-three in all; as a result, three without registered pharmacists were closed. One party, who had secured certificate of person deceased, prosecuted; pleaded guilty, and was fined \$10. In September another store was raided by the police authorities; owner pleaded guilty and paid fine of one hundred and fifty dollars; the certificate of his clerk was afterwards suspended.

In December, 1893, I also visited Fall River for the purpose of investigating complaints; found a lax condition of affairs,—in one store men were drinking liquor. Sixth-class license and internal revenue stamp were in the name of the proprietor, while the

registered certificate of another person who was employed in an entirely different business elsewhere was displayed. At a hearing before your Board, by the latter's own confession, he received a compensation for the use of said certificate, and as a result it was revoked by you. In other stores I found sixth-class licenses in the name of one person, while the internal revenue stamp would be in another and the pharmacist certificate would be in still another name. In one case a physician in active practice, having previously obtained a pharmacist's certificate, loaned the same for three dollars per day. He was summoned before the Board and certificate suspended, and he left the State.

As there seemed to be a general misunderstanding of the purpose and intent of the pharmacy laws, I endeavored to explain and right matters as far as possible. In the latter part of the month I again visited the city, and again in March, 1894. Found a marked improvement, and evidence of a general desire to comply with the laws.

In September I learned of a store on the outskirts of the city being conducted by two persons who had obtained the certificate of a deceased pharmacist. Visited the place, obtained evidence, informed the local authorities; officers were sent to raid the same, and it was immediately closed.

December, 1893, at Holyoke. Visited every store in the city; found a general compliance with the law. In one instance a sixth-class license had been granted to a person not registered; I notified the authorities, and the license was withheld. In another, personal attention was not being given, party being engaged entirely in another business, — corrected.

January, 1894, visited all the drug stores in Salem; no violations.

Visited Oxford and Webster; stores well conducted.

At Worcester found one store holding a sixth-class license which was void, party not registered; another store had a hired certificate; with these exceptions, the stores in the city appeared to be doing a lawful business.

In September a general inspection was again made, with same result.

Visited stores in vicinity of Chester Park, Boston. Found one store without a registered pharmacist, — corrected.

At Haverhill visited thirty-three stores; no violations.

At Lawrence found a number of stores where certificates were not displayed. Visited the city three times in February. Corrected a matter where sixth-class license had been wrongly obtained,

another where two stores were being conducted on one certificate, and secured some evidence of illegal liquor selling; in June made a general inspection.

In latter part of January visited twenty-six stores in East Boston; in twenty-two found no violations. One store was conducted under certificate of a party who gave no personal attention to the business. It was afterwards learned that through misrepresentation he had obtained a duplicate, claiming to have lost the original; which matter I followed up, and in February located the party, summoned him before your Board; result, loss of his certificate. Other abuses were also corrected.

In February visited fifteen stores in Waltham. In one store the person holding the certificate was a medical student, and absent most of the time, — corrected.

At Newton only one store conducted irregularly. With the assistance of the authorities, sixth-class license was withdrawn and store closed.

At Woburn found a clerk regularly employed whose certificate I had seen previously in another city. At a hearing on the 13th, before your Board, it was ascertained that he was paid five hundred dollars per year for the use of the certificate, and that he had had no other connection with the said store during two years past; result, store closed and certificate suspended. Visited the city again in September, also visited Winchester; no violations.

By direction called upon every store on Hanover Street, Boston, and upon twenty-eight stores in South Boston; no open violations.

Next visited stores in Lynn, Gloucester (nineteen stores) and Brockton (twenty-two stores). Found registered pharmacists in all but one in the latter city, where the proprietor had been recently convicted of illegal liquor selling.

In March visited six stores in Westfield; all lawfully conducted.

At Holyoke found a store, no registered pharmacist, liquor license or United States revenue stamp. Gave the owner choice of closing at once or appearing in court next day; closed. The local authorities were furnished with the facts.

In Springfield visited thirty stores.

Gardner, South Gardner and West Gardner, visited nine stores; no violations.

Fitchburg, sixteen stores, lawfully conducted with one exception; facts concerning the same reported to local authorities. Inspected same store in July.

In New Bedford visited thirty-six stores ; found two in bad condition. In April entered complaint for keeping and exposing drugs without a certificate. The defendant pleaded guilty, paid his fine and abandoned the business.

With the effective assistance rendered by the city marshal and his officers, two stores which had become notoriously bad were closed, the certificate of one clerk who had aided and abetted by allowing the use of his name was revoked, and another fled from the city before legal process could be served.

In April visited fourteen drug stores on Shawmut Avenue and eight stores on Columbus Avenue, Boston ; no open violations.

At Marlborough visited fourteen drug stores ; two had been recently closed by action of police authorities. In July found one store owned by liquor-saloon keeper who had a registered clerk ; obtained evidence against him, in consequence of which his certificate was revoked.

Investigated complaints from Canton and West Warren ; found three stores in each place lawfully conducted, and no grounds apparent for the complaints.

In June visited forty-nine stores in Cambridge ; all had the appearance of observing the laws.

In July visited Gloucester. General inspection of all stores ; a few abuses, which were corrected.

In Somerville visited store on complaint. No registered pharmacist, no liquor license ; evidently a rum-hole. Obtained a search warrant, with officers made seizure ; abundant evidence ; made two complaints. Result : in court for keeping and exposing drugs, fine twenty-five dollars ; liquor selling, fine fifty dollars. In default of payment, lodged in jail.

Visited the Cape district, Harwich, Falmouth, Cottage City ; an evident intent to comply with the laws.

Winchendon, Baldwinsville, Templeton and Ayer visited ; laws observed.

In July, Framingham, South Framingham and Saxonville, visited seven stores ; one violation, — store closed.

Newburyport and Salisbury Beach, visited eleven stores ; found one proprietor not giving personal attention, and no registered clerk ; another store with no registered person.

Malden, visited twenty-three stores, all under supervision of registered pharmacists.

In August investigated a complaint of one store, which was without foundation.

Natick, South Natick and Wellesley, visited ten stores. One

store had no registered person ; left matter with local authorities ; raided and prosecuted.

Melrose, Stoneham, Wakefield and Reading, visited all the stores and found them lawfully conducted.

Fitchburg, Leominster and Ayer revisited ; no violations.

In September visited stores in Clinton, which were all conducted in a creditable manner with one exception, store having been raided several times.

Brookfield, West, East and North Spencer and Leicester, fourteen stores ; no open violations of the laws. Found one druggist who had several liquor licenses, first, fourth and sixth classes ; raided, prosecuted and convicted.

Briefly, I have recounted the places visited. Reference to the monthly reports furnished your office will show the names of all proprietors and their clerks, and the particular work performed in each instance.

During the last two months eleven stores, some of which were notoriously bad, have been closed. Seventeen raids, followed by arrests or complaints, have resulted in convictions. In several cases the prosecutions have been made by the local officers, to whom, as before stated, I am greatly indebted for prompt and effective assistance.

I am convinced that there is an earnest desire on the part of a large majority of the pharmacists where I have visited to obey the laws and to uphold the Board in the enforcement of the same.

I have not accounted for time spent in court, serving notices and in securing evidence, attendance upon hearings, investigations, and many other matters with which you, as a Board, are familiar.

In conclusion, permit me to extend to your Honorable Board my thanks for the honest and impartial efforts put forth by every member of the same that justice might be rendered to every one who has had to do with the State Board of Registration in Pharmacy, officially or otherwise, and for the earnest desire of all connected therewith, to the end that the business of pharmacy in this Commonwealth may assume a higher standing and a more honorable station throughout their jurisdiction.

Respectfully submitted,

SIMON B. HARRIS.

Expenses of this department have been, for investigations, hearings, agent's services and expenses, postage, books, printing and stationery, etc., the sum of \$2,040.40. Vouchers in detail filed with auditor.

LIQUOR CERTIFICATES TO DRUGGISTS.

The passage of this act in 1894, chapter 435, came to this Board unsought, and was a surprise. At once appreciating the necessity for immediate action, and recognizing the evident intent of the Legislature to prevent an abuse of the sixth-class liquor license, the following circular was prepared and sent to every city and town treasurer in the Commonwealth, to many prominent pharmacists, leading citizens, officials and local associations: —

COMMONWEALTH OF MASSACHUSETTS.

OFFICE OF THE BOARD OF REGISTRATION IN PHARMACY.

AN ACT RELATIVE TO THE GRANTING OF LICENSES TO DRUGGISTS AND APOTHECARIES TO SELL INTOXICATING LIQUORS.

Be it enacted, etc., as follows:

SECTION 1. No license of the sixth class, described in section ten of chapter one hundred of the Public Statutes, shall hereafter be granted to any person who is not a registered pharmacist, actively engaged in the business on his own account; nor to any such registered pharmacist unless he shall present a certificate from the state board of registration in pharmacy stating that, in the judgment of said board, he is a proper person to be entrusted with such license and that the public good will be promoted by the granting of said license: *provided, however*, that any registered pharmacist may be considered a proper person to receive such a certificate when no complaints have been made against the applicant for such certificate; and when complaints are made they shall be in writing, specifying the reason, if any, why certificate should be withheld.

SECT. 2. For each certificate so granted by the board of registration in pharmacy said board shall be entitled to receive a fee not exceeding one dollar, to be paid by the applicant. Such certificate shall not be valid after one year from the date thereof.

SECT. 3. Chapter two hundred and seventy of the acts of the year eighteen hundred and eighty-nine, and all acts and parts of acts inconsistent herewith, are hereby repealed.

SECT. 4. This act shall take effect upon its passage. [*Approved May 26, 1894.*]

To properly comply with the above act, at a special meeting called for the purpose, this Board, after consultation and with the approval of proper authorities, have adopted the following forms of application and certificate, and this circular is prepared as a guide to those interested.

All applications or communications after Sept. 1, 1894, must be addressed to the Board of Registration in Pharmacy, Rooms 20 and 21, State House Annex, Boston, Mass.

H. M. WHITNEY, *President.*

F. H. BUTLER, *Secretary.*

JOHN LARRABEE.

A. K. TILDEN.

JOHN A. RICE.

Blank forms for application may be obtained at this office, or will be sent by mail upon receipt of an addressed and stamped envelope.

Boston, June 6, 1894.

APPLICATION FOR CERTIFICATE.

[As required by Chapter 435, Acts of 1894.]

I, _____, of the firm of _____, of the city — town _____ being now actively engaged in the compounding and dispensing of drugs, medicines, chemicals or poisons at No. _____ Street — Avenue in said city — town of _____ as authorized by my certificate of registration, form _____ and No. _____, do hereby apply for certificate, as required by above-named act, having made, or intending to make upon receipt of certificate, application to the proper authority for such license, as provided in said act, and for said location.

I am of lawful age and have at least five hundred dollars invested in said business in said locality, and hold myself responsible for said amount. I also claim to be a proper person, and that the public good will be promoted, as expressed in section 1 of said act.

Dated at _____

(Sign here)

N. B. — This blank must be carefully filled out, duly signed, dated, and the *endorsement upon the back* signed by the treasurer or assistant treasurer of the city or town where the applicant is doing business. Any statement found to be untrue, or attempt at evasion, may be deemed sufficient cause for refusing any subsequent certificate. *All applications must have enclosed a printed card or label, to avoid error in name or location.*

To the Board of Registration in Pharmacy.

Knowing, or the records showing, that the within named
has paid a tax upon a stock of drugs, medicines, chemicals, or
poisons valued at five hundred dollars or more, in the city —
town of during the past year, or admits the liability to
such tax for the ensuing year, and knowing or believing his state-
ments are true, I endorse his application.

Treasurer.

DATE,

Certificate granted, — to be investigated, — rejected.

COMMONWEALTH OF MASSACHUSETTS.

OFFICE OF THE BOARD OF REGISTRATION IN PHARMACY,
ROOMS 20 AND 21, STATE HOUSE ANNEX.

189 .

This is to certify that this Board, having on file the application
and such evidence as is required in section 1, chapter 435, Acts of
1894, issues this certificate for the purposes named in said act
to of the firm of now doing business as a drug-
gist and apothecary at No. Street — Avenue, in the
city — town of , and this certificate applies only and is
issued only in connection with the certificate of registration in
pharmacy, form No. and bearing the name of the above-
said and at said location: *provided, however*, that if any
statement made in the application aforesaid is not true, or if there
are any material misrepresentations of conditions or facts, this
certificate shall not be valid, and in any event will expire May
1, 189

President.

Secretary.

Countersigned by

Member of the Board of Registration in Pharmacy.

As this law was not passed or approved until after the
usual licensing period, May 1, it was not expected many
applications would be received, excepting for new stores,
change of ownership, location, etc. The first application
was received June 13 and granted on the 19th. The first
formal protest or complaint was received June 19. Since
then we have received ninety-two applications, granted
fifty-seven certificates, refused twenty-nine, and six are
waiting the decision of the Board.

Hearings have been given and four refusals have been
reversed, as the complaint was not well founded or sus-

tained. In fifteen other hearings previous action was sustained.

The correspondence with licensing boards, police officials, individuals, personal investigation by our agents (an absolute necessity in many cases), persistent and repeated appeals (from those refused), accompanied often with petitions and personal letters, have been such during the few months when little was expected, that we look forward to February, March, April and May as probably requiring the employment of one or more persons continuously, in properly preparing and arranging the applications, complaints, etc., for the intelligent and just action of the Board, at special meetings called to pass upon two thousand or more applications, covering the entire State.

That the action of the Legislature was most wise, timely and creditable to Massachusetts, is shown by the first quarterly report of one licensing board. We quote briefly:—

The official visit of the Board included an inspection of the thirty-four places where it had been assumed that the licensees were doing business as druggists under licenses of the sixth class, and it was among this class of licensees that the most flagrant violations of the law were discovered.

In many places there was evidence of graver violations of the law. Upon inquiry, it was revealed that the yearly sales of liquor were so large as to preclude the belief that it had been sold legitimately; and the large stock of liquor on hand, both in barrels and in pint and one-half pint bottles ready filled for use, indicated an illicit business. In some so-called drug stores there were found not only barrels of whiskey but also barrels of high wines, from which a cheap grade of whiskey was made by a process of reducing and the addition of coloring matter.

In a word, the Board found sufficient evidence on its tour of inspection to warrant the statement that immediately before its visit, and especially during the last year of no license, many of these drug stores were merely liquor stores in disguise.

There is no class of licenses so liable to abuse as that of the sixth class. The druggist pays only a nominal fee for his license, and yet he may sell liquor at all hours of the day or night. The number of drug stores now doing business is out of all proportion to the population of the city. The interests of the public, as well as a sense of justice to holders of other classes of licenses who

have paid large fees for the privilege of selling liquor, require that hereafter greater care should be exercised in the granting of licenses of the sixth class only to reputable druggists, and that the number should be limited to the legitimate needs of the public.

The attention of wholesale dealers was called to the fact that the selling of liquor to so-called druggists in quantities so large as to indicate an illicit business and the selling of liquor to kitchen bar-rooms were at least moral violations of the law, and would be likely to be taken into account upon any license applications that might be made by them in the future, as bearing upon the question of fitness to receive a license. Much of the responsibility for illegal selling can justly be placed upon wholesalers. The dealer who encourages the whiskey druggist or the kitchen bar-room by willingly supplying them with the means of violating the law, ought not to be regarded "with favor."

This is work, if done at all, that must be carried on without "fear or favor," and as near absolute justice to all as is possible for honest and fearless men to accomplish; and, as has been said, "Who can do it as well and advisedly as men appointed by Your Excellency to investigate complaints and enforce the pharmacy law?"

The expense of this department thus far, including books, stationery, envelopes and printing, has been as follows:—

Inspector or agent,	\$224 98
Printing, stationery and postage,	72 29
Clerical assistance,	29 20
Board, services and expenses,	201 24
Total,	<u>\$527 71</u>
Vouchers in detail filed with auditor.	
Liabilities unsettled estimated at	\$200 00

We have in this report purposely avoided any statement or facts of a sensational character, but shall gladly welcome any personal examination or inspection of our work and records Your Excellency or the Legislature may direct.

In closing this report, we submit, first, that the original purposes of this Board, viz., examinations and registrations, be one department, the receipts being made to cover the expenses. In many States and for obvious reasons re-regis-

tration is required in one, two or more years, at a nominal fee of one or two dollars. A recent case, bearing upon the advantages of re-registration, is cited. In the city of . . . was found a most disreputable drug store (so called); the owner, said to be formerly a saloon keeper, had in his employ an ignorant and willing tool. This man claimed to own the certificate of registration upon which a sixth-class liquor license had been granted. An investigation proved, and the fact was finally admitted, that the original owner of the certificate had been dead several years, and this man had answered to the name on the certificate. October 20 the proprietor of this store and his clerk were sentenced to pay a fine of one hundred dollars each, and serve three months in the house of correction; on the charge of keeping a liquor nuisance, the proprietor was sentenced to pay a fine of one hundred dollars, and serve three months in the house of correction; the clerk upon this charge was fined sixty-five dollars.

We submit, secondly, that the two departments known as "enforcing the law" and "granting liquor certificates" be merged into one, as the work, records and expenses are so intimately connected, and can be accomplished at less expense.

The annual appropriation of two thousand dollars for enforcing the law and the three thousand dollars for liquor certificate department allowed for the current legislative year may or may not be exhausted; but in work of this kind there should be no embarrassment for want of sufficient appropriations, nor should the Board stop its work or assume personal liabilities.

We therefore submit, thirdly, that an annual appropriation be made for this work, so long as it shall be continued, subject to such uses and disbursements as the Board may determine, and are approved by its president or secretary, and drafts made upon the State treasurer in the usual form for such portion as may be required, or the full amount of the appropriation if necessary. With an appropriation large enough, the examinations for registration can be conducted without interruptions and constant annoyance; the office kept open as required; and all or nearly all matters pertain-

ing to the enforcement of the law, applications for liquor certificates, explanation, correspondence, etc., may be direct and from the office. And hearings by the Board upon complaints, prosecutions or granting of liquor certificates may be held as often as occasion demands, giving to all reasonable opportunity to be heard, thorough investigation, thereby avoiding an injustice to any, and the result sought by the people and the Legislature be honestly secured.

The rapidly approaching work upon the question of liquor certificates seems to demand as early consideration as possible. We therefore respectfully request a hearing, if desired, as soon as possible after the Legislature opens.

Respectfully submitted,

H. M. WHITNEY.
F. H. BUTLER.
JOHN LARRABEE.
A. K. TILDEN.
JOHN A. RICE.

TENTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION
IN PHARMACY

FOR THE YEAR 1895.

BOSTON :
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.

1896.

c/

Commonwealth of Massachusetts.

REPORT.

BOSTON, Oct. 1, 1895.

TO HIS EXCELLENCY FREDERIC T. GREENHALGE,
Governor of the Commonwealth.

SIR:—The tenth annual report of the State Board of Registration in Pharmacy is respectfully submitted for the year, from Oct. 1, 1894, to Oct. 1, 1895.

The law creating this Board says, “said Board shall annually report to the governor . . . the condition of pharmacy in the State.” It is with special satisfaction that this report, the closing year of the first decade of our work, is addressed to Your Excellency, because of your well-known and appreciated interest in the several duties placed upon us, and particularly those of 1894, namely, the control of liquor certificates to druggists.

To exhibit clearly the condition of pharmacy to-day it will be necessary to consider briefly the conditions previously existing, and present a summary of the work accomplished during the ten years.

At this time the writer may be pardoned for stating the fact that, since the organization of the Board in 1885, he has been annually elected as the presiding officer, but with very few exceptions has had occasion to exercise the right of a casting vote, so harmonious and united has the Board been in its many, varied, and of late exceedingly difficult, duties.

CONDITIONS AND CHANGES, 1875–95.

In 1875 the Legislature authorized the issuing of a fourth-class license to druggists for a fee of not less than fifty dollars nor more than five hundred dollars, ranging, in fact, from fifty to one hundred and fifty. Many refused to take

this license, for obvious reasons. In 1878 the sixth-class or special druggist's license, fee one dollar, was created. This license required a complete record of all sales, date, residence, kind, quantity, price, use and signature of purchaser. This was most just, wise and timely legislation; but then, as now, some bad, unscrupulous persons, defiers of the law, civil and moral, soon engaged in the drug business. The prohibition vote in some cities and towns caused in several places a general stampede from the closed saloons to a drug store, as a cover and blind for the liquor business pure and simple. Drug stores were increasing in number far beyond the needs or demands of the people. Ignorant, inexperienced men, mere pretenders, without the slightest knowledge of pharmacy or regard for honesty, opened stores so hazardous to the welfare of the people that the Legislature in 1885 established this Board, to check if possible this increase of fraud, deception and crime, and protect the people from the reckless and ignorant dispensing of drugs, medicines and poisons. The Board entered upon this educational work and control of increase by issuing, as required by the law, certificates of registration in pharmacy to all who had been in business on their own account or had had three years of practical experience. In 1887 this law was so amended that certificates of registration were granted to those only who could pass a satisfactory examination.

The following summary exhibits the work of this department during the ten years: —

YEARS.	Examined.	Passed.	Rejected.
1st year, 1886,	101	22	79
2d year, 1887,	167	70	97
3d year, 1888,	213	89	124
4th year, 1889,	276	135	141
5th year, 1890,	279	123	156
6th year, 1891,	315	115	200
7th year, 1892,	488	147	341
8th year, 1893,	544	129	415
9th year, 1894,	661	126	535
10th year, 1895,	494	103	391
Total,	3,538	1,059	2,479

(As an apparent result of the Acts of 1894, note the decrease of number examined in 1895. See permanent fund or examination report.)

This legislation was the beginning of good work, but as the cause of temperance or control of liquor sales advanced, the efforts to hide illegal sales of liquor behind the sign of the mortar and pestle continued to increase, and in some cases were most pronounced. To meet this condition the stringent laws of 1893, giving this Board power to suspend or revoke certificates of registration in pharmacy, were passed. Under this act the Board have suspended seventeen certificates and revoked eight. (For full particulars of this work, see detailed reports of 1894 and 1895, and agent's special reports.)

Strange and inexplicable as it may appear, the progressive efforts of temperance workers to control the sale and abuse of intoxicating liquor, particularly in the line of closing the saloon, were an additional incentive to make the gilded mortar and pestle a sign not of drugs and medicines, but of the "schooner" and "toddy stick." It is with much regret that we are forced to record the fact that some authorities have ruled that there was no limit under the sixth-class license to the number of sales, or the quantity, under five gallons at any one time. This elastic interpretation of the privileges of the one-dollar license is beyond our comprehension, and is surely strong evidence that the privileges should at once be clearly defined. (See evidence in liquor certificate hearings.) Again, many reputable persons maintained, as more convenient and less public, the right of getting their liquors for other than medicinal purposes at the drug store, claiming and insisting that, as well-known, reputable, temperance, law-abiding persons, there was no occasion to make a record of the sale, and that they certainly would not sign the book. This was too much for many a well-meaning druggist, who, from force of habit, and the custom of apothecaries to avoid contention, gracefully responding to demands made upon him, became guilty of a violation of his liquor license. The conditions at this time were exceedingly trying, difficult to handle and apparently impossible to correct, as they seemed to be approved by

worthy people. Again the Legislature, in its wisdom and loyalty to the Commonwealth, came to the rescue, and by the Acts of 1894, placing the control of the issuing of the one-dollar license in the hands of this Board, gave the war cry, "Hold to the law, or surrender." This was most severe and seemingly self-destructive work to place upon any Board. But, as usual, the law makers of Massachusetts were right; results prove it, and as in the past, other States in the Union are closely watching and waiting for the next step in advance. The corner has been turned, though it has taken ten years to do it. All honor and credit to the law makers who have made this possible, and particularly to Your Excellency are we grateful for your kind, encouraging and helpful words.

LIQUOR CERTIFICATES.

During the year, out of 1,282 applications for liquor certificates, 287 have been refused. One hundred or more rum drug stores have been closed up and gone out of the business. Several have paid heavy fines, some so-called druggists have been imprisoned, and many who had been of doubtful character have become reputable, law-observing, and so improved in reputation as to be in line for favorable action another year.

CONDITION OF PHARMACY.

The condition of pharmacy to-day in this State, as compared with 1885, is a long stride in the direction of a higher and special education; a more thorough practical knowledge and experience; advanced skill and ability to test, select, compound and dispense; a much wider range of therapeutic information; greater familiarity with minimum and maximum doses, antidotes, and the many and peculiar conditions which will always environ the pharmacist. The cloud which so seriously shadowed the universally accepted resort of all classes and conditions for aid, assistance and comfort, a refuge for immediate relief of accident or injury, the repository of all medical and surgical appliances, has by wise and judicious legislation been rent. The fear and apprehension of the pessimist "that the coming saloons, or the licensed bar rooms of the State, would be the drug store

of the future," have passed. Massachusetts does not progress that way.

To make the drug store, as is proposed by some in certain localities, the only place where intoxicating liquors can be had, may be wise a hundred or thousand years hence, should pharmacists become angels, or temptations be removed, and people become total abstainers. As this Board formulates its opinions from actual facts and recorded experiences of the past, they unhesitatingly and confidently assert that, with wise, conservative legislation, holding full control of this branch of public service, judicious enforcement of the laws by the Board of Pharmacy, the close of the second decade of its work will place pharmacy among the most healthful and beneficent professions of this Commonwealth, and in due time this line of work will be adopted and followed by every State in the Union.

SUGGESTIONS.

We suggest as important : —

First. That in chapter 472, Acts of 1893, in the last sentence of section 1, the word "fifteen" be changed to "sixty" or "ninety."

Second. Re-registration (not examination) shall be compulsory once in two years, at an expense to the applicant not exceeding one dollar; and that it shall be the duty of the Board to notify the registered pharmacist by mailing to his address, as recorded at the office, notice of the law requiring re-registration once in two years from date of certificate, and that application for re-registration must be made within thirty days of date of notice.

Third. A clear exposition of the rights and privileges conveyed by a sixth-class license, or the right and duty of this Board to determine its limits as occasion demands in individual cases.

Fourth. The right and duty of the Board to examine records of liquor sales; and, for neglect to make full and proper record with signature of purchaser, the positive duty to revoke the liquor certificate, which shall at once revoke the liquor license.

Fifth. That all certificates of registration in pharmacy suspended or revoked by this Board shall, upon demand, be placed in the custody of the Board; a failure to comply with this demand shall be punished by a fine of fifty dollars or imprisonment for thirty days.

Sixth. That in chapter 435, Acts of 1894, section 2, the words "one year from the date thereof" be changed so as to read "the last day of the following April."

As the Acts of 1893 and 1894 placed upon this Board unusual responsibilities, it must be apparent that a necessity exists for daily attendance at the office, prompt and most thorough investigation, demanding special care and all possible light to enable the Board to formulate opinions and judgment as to validity of complaints, "proper person" and "public good." We therefore suggest, and strongly urge, the necessity of an appropriation to this department of our work sufficient to secure such additional attendance at the office of members of the Board as exigencies may demand, and the employment of one or more special officers, invested with due authority to secure evidence and bring suits as the Board may direct.

PERMANENT FUND ACCOUNT.

This department, for which the Board was established in 1885, refers to and includes *examinations* only. Meetings have been held as follows:—

DATE.					Examined.	Passed.	Rejected.
1894.							
Oct.	2-4,	.	.	.	34	5	29
Nov.	13-15,	.	.	.	41	12	29
Dec.	11-13,	.	.	.	39	10	29
1895.							
Jan.	1-3,	.	.	.	34	10	24
Feb.	5-7,	.	.	.	42	9	33
March	5-7,	.	.	.	43	5	38
April	2-4,	.	.	.	45	8	37
May	7-9,	.	.	.	45	10	35
May	21-23,	.	.	.	42	11	31
June	11-13,	.	.	.	44	8	36
June	25-27,	.	.	.	45	7	38
Sept.	10-12,	.	.	.	40	8	32
Totals,					494	103	391

At four of the above sessions, when 46 were examined, not one was found qualified.

It must be remembered that in all our reports we give the total number of examinations, and not number of persons, for, as a rule, not more than twenty-five per cent. of those who receive a certificate obtain it on the first examination, some coming up many times.

During this year, of the 103 who received certificates, 28 passed on the first examination.

Recapitulation for the Ten Years.

YEARS.	Examined.	Passed.	Rejected.
1st year, 1886,	101	22	79
2d year, 1887,	167	70	97
3d year, 1888,	213	89	124
4th year, 1889,	276	135	141
5th year, 1890,	279	123	156
6th year, 1891,	315	115	200
7th year, 1892,	488	147	341
8th year, 1893,	544	129	415
9th year, 1894,	661	126	535
10th year, 1895,	494	103	391
Totals,	3,538	1,059	2,479

It will be noticed that there has been a gradual increase each year in the number of examinations *until the last*, when, as before stated, the corner seems to have been turned. Why this sudden and large decrease in number of applications to become registered pharmacists in this Commonwealth? The answer is obvious; viz., the legislation of 1894, placing the control of the sixth-class license in the hands of this Board. To emphasize this view, we quote: "I have attended the college and worked hard to pass the Board, and now they are going to kill the best part of the business. I am out of it."

Difficult and disagreeable as is the law of 1894 for any Board to handle, it has proved to be the key of the situation, and the most effective if not the only method of meeting and correcting a serious and alarming tendency.

A few of the strange answers during the year : —

An applicant, when asked, "How many times has the U. S. P. been revised?" answered, "189," figuring or explaining that "if revised once in *ten years* it must be one tenth of 1894."

"Laudanum is a stearoptine, and obtained by the spontaneous evaporation of opium."

"Dose of opium half a drachm."

"Cinchona is a root."

In answer to printed query, "Enumerate materials required to make 8 oz. infusion of digitalis," wrote, "Stove and small kettle."

"One troy oz. of iodine oint?" wrote, "Graduate."

"One av. pound of cerate?" wrote "Scales, stove and kettle."

"The reason for cold process in making syrup of wild cherry is to prevent souring."

"Oleum Ricini is castor oil; an animal oil, and comes from the tail of the castor beaver, and I know what I am talking about." Also said, "Lycopodium was obtained from humulus or hops;" and "the antidote for nitrate of silver was epsom salts, because the salts are a good diuretic and keep the body in good order." This applicant had a very satisfactory paper, but his oral examination was fearful.

"Tartaric acid comes from the earth, is dug out in lumps."

"Cocaine, morphine, codine, are all from opium."

"Would give for a cardiac stimulant, phosphorus; for a depilatory, opium; for a sialagogue, slippery elm."

"Bromine is a liquid of alkaloid; Potass. Nit. is a volatile alkali; ingredients in syrup hydriodic acid are Hydrogen, Iodine and Syrup."

Another said they were "Tincture Iodine, sugar and water; Hypo, means squirting."

"Why are wedge-wood mortars so called?" "Because the wood of which they are made is very close."

"Laminæ is animal life."

"Argols are mined in Germany."

"Don't know the source of tartaric acid. Phosphorus is in the form of gas, exists in the air and gathered (don't know how), and cut into sticks."

One candidate, claiming three years' experience, in his written examination answered ten out of the twenty questions, and then added, "I will not take the oral to-day, but will wait until I am down again." His written examination was rated five out of a possible hundred; his drug examination, thirty.

"Castor oil comes from the leaf."

"Tartaric acid comes from argols, and argols from coal-tar products."

"Ammonia is obtained by firing horses' hoofs."

"The cost of two fluid oz. 4 per cent. solution of cocaine, if cocaine costs six dollars per oz., would be two cents."

"Camphor exudes from the tree, is now found in the earth where the trees grew."

That the examinations are practical, satisfactory and generally approved by the applicants, is shown by the following letters:—

1. "Your notification received, and am pleased, I assure you, to know I was successful. Gentlemen, I thank you for the kind treatment that I have received during my examinations." [Passed on fifth examination.]

2. "Your very welcome letter, stating I had passed successfully, reached me this A.M. And now let me tender my sincere thanks, first for your congratulations, and second for the esteemed courtesy always shown me by the Massachusetts State Board of Pharmacy." [Passed on sixth examination.]

3. "Am pleased to know that I am one of the fortunate ones, although woman's brain is a trifle lighter in weight than those of the opposite sex. Thanking you all for your kindness and courtesy to me, I am yours very truly." [Passed on first examination.]

FINANCIAL STATEMENT.

At the close of last year there was a net indebtedness of \$66.02.

Oct. 1, 1894, cash in hands of State Treasurer,	\$223 98
Received during the year from applications,	\$1,742 00
Received during the year for sixteen duplicate certificates,	16 00
Total receipts for the year,	<u>1,981 98</u>
Amount in hands of State Treasurer,	\$1,981 98

Drafts have been as follows:—

	Services.	Expenses.	
H. M. Whitney,	\$145 00	\$69 95	
F. H. Butler, secretary,	470 00	183 00	
John Larrabee,	175 00	35 57	
A. K. Tilden,	137 50	9 90	
John A. Rice,	172 50	202 83	
Total,	<u>\$1,100 00</u>	<u>\$501 25</u>	\$1,601 25
G. C. Cannon, engrossing certificates, etc.,		\$14 92	
J. L. Fairbanks, stationery and postage stamps, . .		39 95	
Vox Populi, printing examination papers,		3 75	
Wright & Potter Printing Company, postal cards and printing,		26 96	
J. H. Daniels, making certificates,		45 00	
Miss J. C. Butler, clerical service,		20 00	
		<u>150 58</u>	
Balance,		230 15	
		<u>\$1,981 98</u>	
Cash in hands of State Treasurer,		\$230 15	

Liabilities.

Examinations not made, from previous years, . .	\$162 00	
Examinations not made, from this year,	53 00	
	<u>215 00</u>	
Leaving a balance of		\$15 15
Possible liabilities of bills not rendered,		\$10 00

SPECIAL ANNUAL APPROPRIATION DEPARTMENT (ACTS OF 1893), FOR ENFORCING THE PHARMACY LAW.

In this department of our work it is quite impossible to keep a tabulated or specific account of all the work accomplished. Complaints, verbal and written, come to the office, to the several members of the Board and to the agent, covering a great variety of conditions, and requiring special and oftentimes prompt individual action by the member of the Board to whom complaint has been made, or by the agent. There are on record at the office sixty-two complaints (in the liquor certificate department about one hundred, personally presented), some of which were of little account, some easily adjusted and corrected by correspondence. The number of places visited, investigations made and fuller details will be found in the summary of the agent's report. Some cases cited will exhibit very strongly the necessity of re-registration to avoid the certificates of those deceased, bought or stolen, being used by a depraved villain, who, for a consideration, will induce some weak, foolish person (in one case a colored boy) or victim of misfortunes to assume the name upon the certificate of registration thus obtained; then open a drug store, deceiving the public, defying the law and trying to cheat this Board and the license commission. We note with much satisfaction one case where the principal and tool were each fined one hundred dollars and imprisoned three months for the fraud; and, upon the charge of keeping a liquor nuisance, the principal was fined one hundred dollars with three months' imprisonment, and the assistant sixty-five dollars.

HEARINGS.

During the year the Board have held thirteen special meetings, with the following result: two certificates were suspended for one month, one for three months, one for four months, six for six months, three for twelve months and *four were revoked altogether*; one case was dismissed with reprimand, two cases dismissed as the charges were not sustained, three were severely reprimanded and placed

on file, two were continued for another trial. One case of suspension for six months was removed at expiration of four months; one man was granted a hearing upon petition to be reinstated, but was refused; in four cases, where in all probability the certificate would have been revoked altogether, the men have left the State and notice cannot be served upon them. We have now nine cases waiting the action of the Board.

Owing to the fifteen days' limit in section 1, Acts of 1893, we have failed to correct several bad cases, as the facts were not reported until the fifteen days had expired. That limit should be changed to sixty or ninety days.

An account of the many minor cases that have come before the Board and received due consideration with such remedial action as seemed to be required we do not deem of sufficient importance to note. We do, however, feel justified in saying great good has been accomplished, and quote the following facts from our records, exhibiting the necessity of the law, and we submit, corrective and not abusive action.

First.

Hearing of — of —, at Boston, June 21, 1895, at 9.30 A.M., on formal complaint made by Mr. Harris for violation of the law relating to the sale of intoxicating liquors and misuse of his certificate of registration in pharmacy.

Mr. Harris, sergeant of police, and defendant, sworn.

Formal complaint read by Mr. Whitney, after which he asked: Mr. —, do you plead guilty, or not, to these charges? A. I plead not guilty; on the contrary, I deny them.

Mr. WHITNEY. Mr. —, in order to know what you have to meet, I will have Mr. Harris and the sergeant make their statements.

Mr. HARRIS. I went to this place of business in — last Monday forenoon; on nearing the premises, I saw a wholesale liquor dealer's team with two men at the door; I waited some time; I saw them carrying in and bringing out jugs; on their driving away, or just before they drove away, Mr. —, the defendant, went out and said something to them; I was not near enough to hear what he said; they drove away and I entered the premises. I said, "Is this Mr. —?" He said it was. I asked, "What did that team leave here?" He said, "I don't know as I will answer your question until you give me the authority." I told him I was the

agent for the Board of Registration in Pharmacy ; that complaints had come to the Board in regard to his place, and I had come to investigate the matter. He said they left a jug of alcohol. I went around behind the prescription counter, and over on the counter sat a jug of alcohol and a jug of whiskey ; on the floor sat another jug of whiskey ; also on the prescription counter there was a bottle of whiskey. In a drawer directly underneath, which contained some corks, were two whiskey glasses, and the corks were wet. In reaching around the prescription counter, there was on the show case another whiskey glass containing about a half teaspoonful of whiskey. In answer to how it happened to come there, he said he had just had a drink himself. I looked to see the number of prescriptions that had been compounded since he had been there, and found six. I said to him, "How did you happen to come here?" He said he bought the place out ; that he took a bill of sale of the premises, but he had learned that there was a mortgage for twice as much as the actual value. I said to him, "Then the mortgagee had better take it up ; you would be money in." He replied that he did not know what to do. I asked, "How did you come to this store?" He replied, "By request of this Mr. —," and stated he came under a contract of fifteen dollars a week, but that he was ready to get out then if I said so ; he had found out that the principal business was rum, and was ready to go right away. I told him that it was out of my jurisdiction to give him any advice ; that he had had no consultation with us about going there. He stated he had been putting his time in there on the premises. I asked, "How can you put your time in here when you are a physician, and are advertising yourself as a physician, having an office on — Street, Dr. —, office hours from 9 to 11, from 2 to 5 and 7 to 9?" Well, he said, he had been there most all the time.

Yesterday I called upon him and served the notice to appear before this Board ; he said he would be present. This store is owned by —, who are liquor dealers and are licensed on — Street in — ; it is the same store that we were called to attend to last fall, when they had a man there by the name of — with his certificate, and he went off up to New Hampshire ; the reputation of the place has been bad right along.

Q. (By Mr. WHITNEY.) Mr. —, would you like to ask Mr. Harris any questions? A. Except to say that the glasses were not wet, nor the corks ; they had been there a fortnight, and had not been touched.

The sergeant testified as follows : The first time I came in contact with Mr. — he was acting as clerk for — on —

Street in —, about two years ago. Mr. — was formerly a saloon keeper, and on being refused a license opened a drug store, and when the officers were raiding in the — end, in passing by this store, I saw the defendant reaching up a shelf and taking a bottle down; he poured something out and passed it to a man who was sitting at the soda fountain. I immediately went to this place with my officers, and when he saw me he grabbed the glass and threw the contents into the rinser; I reached up the shelf, took the bottle down, and it was whiskey; the mark or label was not on the bottle, however. He said, "You did not see me take any money." I said, "It is not necessary." I left and reported the matter to the chief. He left — and opened a store on the opposite side of the street; after running it for some time he moved on — Street; when he was there it was a resort for drunken men who loafed around; it got so that we were obliged to raid the store; when we went in Mr. — was behind the prescription case; he came to the front, and when he saw who it was, went to the soda fountain; I followed him up; there were two glasses with beer, some empty bottles underneath, and he explained by saying that he had just had a glass himself. The number of sales on his book and the number of empty bottles did not correspond. Our chief did not think we had enough of evidence to bring him up. Shortly after he closed the store and went to — Street, and there I believe he lost his fixtures; they were mortgaged and the mortgagee foreclosed. He then opened a doctor's office at the corner of — streets with office hours as stated by Mr. Harris. About three or four months ago he went to this man — place at No. — Street. Mr. — owned it as a member of — & —, and had his brother, who is studying medicine or pharmacy, take it in his name. The bottles were all labelled —. I searched the place once, but found no evidence of liquor-keeping. Last Sunday night one of my men sent in a drunken man from No. — Street; there was a full half pint of liquor in his possession; my man told me he arrested this man coming out of that store; that is all I know about the case.

Q. (By Mr. WHITNEY.) If I understand you, sergeant, you did not know this man until 1893? A. No, sir; I did not.

Q. How long have you been an officer in —? A. Eight or nine years. I did not know Mr. — personally; he was formerly connected with some drug store in — district.

Q. Then you wish to convey to the minds of this Board that during the past two years you have known Mr. — he has been, to the best of your knowledge and belief, engaged in illegal selling of liquor? A. It certainly is so.

Q. And that he has not been a law-abiding citizen? A. I would say not.

The defendant testified as follows: When I came to Massachusetts, four years ago, I had been forty years in the drug business; up to that time I never had occasion, or never was in the business as a rum seller, and did not expect to be then; it was new to me. I began my business in — as a printer; I worked for nearly two months with the firm of —, and as soon as the work ran out I was necessitated to do something else, and, having been in the drug business all my life, I then became acquainted with —, who recommended me to go to —, and as soon as I went there, found I could not take the situation until I was registered; I applied to the Board of Pharmacy, May 29, 1891; I came and passed the Board and held the situation with — for two and one-half years; in 1893 I conducted business under a liquor license, and to the best of my ability kept within the law; I was not aware that I had been doing anything wrong.

Q. (By Mr. WHITNEY.) For how long a period? A. From April 1, 1891, to Oct. 1, 1893.

Q. Was Mr. — a registered man? A. No, sir.

Q. After you were registered you went to this liquor store?

A. It was not a liquor place; it was a drug store.

Q. And he did sell drugs? A. Yes, sir.

Q. Did he sell groceries? A. No, sir.

Q. Drug store, pure and simple? A. He kept candy, cigars, soda and things that all drug stores keep. I came to this country an entire stranger, and was not aware of the peculiarities of the business in this State; I had no idea rum selling was a part of the drug business, because where I came from liquor is not connected with the drug stores in any shape. At the end of September, 1893, I left Mr. — because I did not feel like conducting the business in that manner. I thought I could conduct a business for myself.

Q. (By Mr. WHITNEY.) You left him because he sold liquor by the glass? A. No, sir; not by the glass. I objected to that, and all the sales I entered on the book for that purpose.

Q. Not liking his manner of conducting business, you opened a store for yourself? A. Yes, sir; on — Street. I was there six months on the — side; it was a very small store, and I had hard work to get along in it; there was a larger store for rent across the street, and I thought I could make a good business of it. I did not succeed; the rent was too high, and competition from druggists on each side who were doing a larger business than I did in the same line.

Q. (By Mr. WHITNEY.) Which store was it, the first or second, the sergeant refers to, when he saw you taking liquor from the shelf, and when you saw him coming, turn it into the rinser? A. That was not my drug store; it was the store of —. The sergeant is a little off on the date.

Q. Give us the date when you opened the first store? A. Dec. 23, 1893.

Q. And you stayed there six months? A. Five months, until the 9th of April; then moved on the other side of the street into a larger place; opened as well as I could and did a decent business; did a respectable drug trade.

Q. Did you have a license in either place? A. Not in the first place, because I did not sell any. When I got into the other place I applied for a license and got it.

Q. Did you sell liquor? A. Yes, sir; under the usual restrictions, not to be drank there at any time.

Q. And even with the advantage of a license you could not make it pay? A. No, sir; I got in arrears and had to get out. I went to the mortgagee and told him he had better take the things. That took place the 15th of November, 1894. I then opened an office and tried to make a living as a doctor; I did not get enough patients to pay for the water I used. I had been out of work during the winter and had to do something to get a living; when they came and offered me fifteen dollars a week to run that business I did not think I could afford to neglect the opportunity to provide for law of nature. Whatever may have been said about the business, I can say, without falsifying, I have conducted that about as near right as a man can do; I did away with the drinking altogether. I made the excuse that I would not sell anything to be drank on the premises nor recognize the liquor business at all.

Q. Was that drug store licensed? A. No, sir; I applied for license, but was refused. They wanted to sell to me; there was no other drug store around there, and I thought it would be a good stand; I had all the agreements made, but when I came to make my first payment I first went to the city hall and searched the records. I found — had mortgaged everything for more than the stock was actually worth. I then went and told him I would have nothing to do with it at all.

Q. Did the mortgage cover, in round numbers, six hundred dollars? A. Five hundred and forty dollars. I was willing to give five hundred dollars.

Q. That included stock and fixtures? A. Yes, sir.

Q. Soda fountain? A. No, sir; small stock, candy, cigars and patent medicines.

Q. Now, Mr. —, did you not make a false statement when you made application to this Board and stated you had five hundred dollars invested in drugs, medicines and chemicals? A. Possibly, if you put it that way, it was not the exact truth.

Q. What was your age when you came to this country from Canada? A. I am fifty-nine now; would make me fifty-four at the time I passed the Board.

Q. You never had a diploma as a physician, or an education as such? A. I was for several years connected with public institutions in London, and had all the knowledge I needed; I never especially passed as a physician. I passed as a pharmacist here, twice in Canada and once in New Brunswick.

Q. Will you explain to the Board how it is that by your conduct, as you claim, a law-abiding citizen, you should have acquired such a reputation as the sergeant says you have acquired during the last two years? A. Simply from my association. I came to Worcester looking for work, and was not acquainted with the ways of the people.

Q. Do you mean to say to this Board that a man fifty-nine years of age has not arrived at that point to discriminate between right and wrong? A. Circumstances were different. I came from a place where druggists are not in the habit of doing what they do here.

Q. You recognize the fact that every man should know the law of the State in which he lives? A. Yes, sir; but I certainly did not understand it. It is very easy for a man to get a bad name, but not always easy to refute the assertion.

Q. Now I want to get back to that bottle you took from the shelf that the sergeant referred to, was that whiskey? A. So the sergeant says.

Q. What do you say? A. I don't deny it, but I did not sell it.

Q. Will you explain to the Board what the whiskey was that Mr. Harris saw coming in the store; what it was to be used for, when you had no license? A. The alcohol was for the business; the whiskey is there. I always kept a gallon or half gallon in the store; sometimes people come in and ask me to prescribe for them; I have done so once or twice; was not aware it was wrong.

Q. Are you not aware that the law regulating physicians is very severe? A. Yes, sir; but I am through with it now.

Q. You have a bill of sale of the stock of goods? A. It was all ready, but before making payment I went to the city hall.

Q. The statement you made when you sought application was a false one? A. No, sir; it was after I made this statement that I found out about the mortgage.

Q. You made this purchase on paper, and paid no money? A. That is it.

Q. You said, if I recollect, when you came to be examined, you had a son you were aiding and who was going to open a drug store, or something to that effect? A. I said I had a good chance for a good situation myself; do not think I said anything about my son.

Q. I understood you to say you came from England? A. I came from London in 1869, and went to Ottawa, Canada; was there seven years and then moved to New Brunswick: was fourteen years there.

Q. How much did your drug business amount to a day? A. About seven dollars.

Q. Do you see any special necessity for a drug store being established? A. I think in that part of the town a man could conduct a nice business; it is a large locality.

Q. By implication, you did not do a nice business there? A. It was a matter of impossibility to tell how to do business without the liquor. I stopped all the drinking, any way; in fact the returns fell off from eighty dollars to less than fifty dollars.

Q. From your own admission, it was a bad place, and you allowed your certificate to keep it alive? A. No, sir; it took the life away, because I stopped the sale of that sort of thing and made it unprofitable for them.

Q. Your rent was how much? A. Twelve dollars a month.

Q. Cost something for light? A. Light and fuel, three dollars a month.

Q. Then the paper, twine, etc.? A. Forty or fifty cents a month.

Q. Then you could live on that and support your family? A. I had to.

This man's certificate of registration in pharmacy was revoked altogether.

Second.

Case against a registered pharmacist in the employ of a former liquor dealer. Defendant represented by eminent counsel. Complaint was read, and complainant and defendant sworn.

Complainant testified that during the fall he called at this store and found lager beer in the back room; called the attention of the proprietor and clerk to the same; notified them that such things

must not continue. Later he called at the store again, and the clerk rushed into the back room. "I followed him and found four men there, two of whom had glasses in their hands, drinking; the clerk grabbed all the liquor and glasses and dumped them into the sink; I asked him why he allowed this to go on in this way; he said he had to get a living; that he got fifteen dollars a week."

Defendant testified, said he had worked in this place nine months; that he did not engage to attend to the back room; that he was paid fifteen dollars a week and a commission amounting to two or three dollars a week extra. When asked why he gathered up these things and threw them into the sink, said, "I was waiting on two customers, and did not go into the back shop to stop it before." He was asked, "Did the commission include the profits on the liquor?" "Yes, I suppose so; I admit it was wrong; I did not realize that I was using my certificate for an unlawful purpose; I told the proprietor that I must leave the store, as I did not wish to risk the loss of my certificate of registration; he offered me an increase in salary, and I remained. I opened a store on my own account later, but failed and lost all my money. I have a wife and children, and ask for leniency from the Board."

This man's certificate of registration was suspended for twelve months.

Third.

Defendant appeared. Complaint was read. Defendant admitted the charge was true, and stated: "When I engaged in this store I was hard pressed for a situation; I did not like that method of doing business, and wanted to get out, but my partner did not want me to. We have sold liquor to be drank on the premises."

The defendant was then duly sworn by the president of the Board, and stated: "I will not in the future ever sell without my pharmacy license, nor more than five or six a day, and as the law allows; we did make fifty or sixty sales at least on the Sunday in question. The liquor license has been surrendered to the commission."

As this was a case of liquor selling on Sunday, punishable by law, and as the authorities had not brought suit, the matter was placed on file with a severe reprimand.

Fourth.

Another case, similar to the above, charged with illegal selling on Sunday; defendant admitted making eighteen or twenty sales on that day. "When I was caught, I did not ask the man what

he wanted the liquor for; did not ask him to sign the book, as it would have been evidence against me for a Sunday sale; have given up my liquor license."

This case was beyond our jurisdiction.

Fifth.

Defendant sworn; charges read. The defendant pleaded guilty, and said: "I know I have done wrong, and am guilty. I have previously been in several other stores where they sold liquor; sold by the bottle and did not ask purchasers to sign; sold also on Sundays; sold by the glass, and in one of the stores there was dice shaking for drinks. Ten barrels of liquor were probably sold in this place during the year. In one store we sold two or three cases of lager a week; some days two cases a day; sold for drinking purposes by the bottle. I received twenty dollars a week as salary; I stayed in this place to help out my folks, as they were poor; had about one prescription a day. Worked in another town and sold liquor there. In another town where I worked four months no liquor was sold. I attended college, but did not go through."

Police officer testified in relation to the defendant's present location; said: "In license time they used to buy lager by the cask and bottle it themselves; the store has had the reputation of doing a large liquor business and is one of the worst places in the town. Since this young man came there the store is open less on Sundays. Have seen people go in there who were drinking men. I have been a police officer on that beat for three years; complaints have been made to the marshal, but no prosecutions have been made."

Sixth.

One interesting case heard in January, 1895, where the defendant was forced to admit continued violations of the privileges of the sixth-class license covering a period of several years, but had in every case escaped conviction. Most earnest pleadings were made by his counsel, almost if not quite promising to be surety for his good behavior if leniency be shown, and with positive assurance that a slight penalty would be sufficient to meet the ends of justice. As the man had lost all his money, and the family connections were somewhat dependent upon him, it was voted by the Board that his certificate of registration be suspended for thirty days, with the statement that the second offence would result disastrously.

On the following eighth day of June this man was convicted in the superior court and sentenced to pay a fine of one hundred dollars; and on June 28 his certificate was revoked altogether.

Seventh.

A Mr. —, with whom the Board have had a good deal of trouble, having been before them with counsel on two previous occasions, and leniency shown him, was again summoned before the Board. He appeared in person, without counsel, admitted his guilt, suggesting a suspension for twelve months, agreeing to get out of the business until he could give satisfactory assurance of better conduct.

His certificate of registration was suspended for twelve months.

FINANCIAL STATEMENT FROM OCT. 1, 1894, TO OCT. 1, 1895.

Services and expenses of the Board, including daily attendance and records of the office and special duties of the president, telegraphing, telephoning and special trips,	\$965 79
Services and expenses of S. B. Harris,	799 64
Services and expenses of J. B. Learned,	94 50
Services, clerical, stenographer, Miss Bihler,	50 00
Stationery, postage, etc., estimated,	50 00
Total,	<u>\$1,959 93</u>
Vouchers in detail at auditor's office.	

LIQUOR CERTIFICATES TO DRUGGISTS (ACTS OF 1894).

Applications received from Oct. 1, 1894, to March 1, 1895, to expire

May 1, 1895,	64
Granted,	51
Refused,	13

Of the 64 applications received, 28 were held for careful investigation, as our records indicated a doubt.

Applications received to Oct. 1, 1895, to expire May 1, 1896,	1,218
Granted,	944
Refused,	274

Of the 1,218 applications received, 447 were held over for more positive and definite information, involving in some cases three or more "investigating circulars," special investigation by our agent or a member of the Board.

For the full year from Oct 1, 1894, to Oct. 1, 1895, we have received 1,282 applications; we have granted 995 certificates and refused 287. We have mailed or given out about 600 investigating circulars and received 450.

Upon mailing notice to applicants of complaints being received against them, 87 have made formal appeals for further investigation, charging malice or misrepresentation of facts. Out of the 87 cases reinvestigated, the Board found reasonable ground for granting 37 certificates, and in the remaining 50 cases reaffirmed previous action.

Many personal appeals or inquiry have been made at the office for cause of refusal, and when the records of the office were stated the applicant became apparently satisfied that it would be wise to make a better record before pressing his case.

FORMAL HEARINGS.

While the law does not specially provide for hearing evidence and arguments to change the action of the Board, we have felt the Legislature did not intend we should be autocratic or belligerent, but, if a reasonable doubt existed, to give the applicant the benefit of it. We have, therefore, granted 92 hearings, many of the applicants bringing witnesses and distinguished counsel. Out of the 92 cases 11 succeeded in establishing a reasonable doubt, and certificates were granted; 81 signally failed; and in many cases the sworn testimony was such that counsel and witnesses heartily approved the action of the Board in refusing the desired certificate. We have on file over 63 typewritten cases, but submit only brief extracts from a few particularly bad ones.

In the following, from which extracts have been taken, care has been exercised to avoid facts that would locate the several parties. If, however, the testimony quoted is recognized by the person who gave it, and by him divulged or made known, the publicity will be no fault of this Board.

We also wish it distinctly and clearly understood that the sworn testimony concerning commissions paid to physicians is, in the opinion and experience of this Board, confined exclusively to a certain class of drug stores and physicians, and is not the rule; and that the recent law regulating the practice of medicine in this State may and should correct this evil.

First.

Chief of police testified: "Examined books of the applicant during license period, and found they would not show more than fifty or sixty sales a day; on holidays more." When asked if there was more sickness on holidays than usual, answered, "No, but had more calls. My general impression is that other stores were doing about the same, in some cases more. Appearances were against this store as to sales being made on the premises, as a good many people were going in and out of the back door; but on making inquiry in regard to this, they said they only did it because it was more handy. Other appearances against the store were crowds about the back and front of the store, but found they had come from a club room or back street stores. One or two apothecaries are very particular, and never allow crowds about their place, and don't think their sales would amount to as many. I directed the applicant to shut up the back door and avoid the appearance of evil. This store had less liquor on hand than some others. I had watched this store on account of complaints having been made that they were making pocket sales; caught a man, but found he did not get his supplies from this place."

The applicant testified, corroborating the statement made by the chief of police, and stated that his sales amount to twenty-five or thirty dollars a day. On figuring up the value of his liquor sales, it was apparent that they were two-thirds of his business. For more particulars of this case, see letter published in full, marked [A].

Second.

"At one time there was some talk regarding my sales, and I inquired of the board of selectmen, who gave me to understand that I had a right to sell up to four and seven-eighths gallons, provided the sales were registered; also said I could sell beer by the case."

Q. (By Mr. WHITNEY.) Do you mean to say to this Board, under oath, that the dollar license contemplated that you should sell beer by the case, alcohol by the four and seven-eighths gallons? A. That is the way I understood it.

Q. I ask you, as a citizen and as a resident pharmacist of Massachusetts, if you believe a one-dollar license gave you that privilege? A. I did think so; I may have been wrong; thought it was all right.

Q. Is that not wholesale business? A. Not at four and seven-eighths gallons; over five gallons would be.

Q. If for no other reason, your statement of that thing alone totally disqualifies you as a proper person. What connection have you with the store at —? A. Have one-half interest; had the whole up to this year, and this year Mr. — was given one-half interest.

Q. Has Mr. — put in cash, or have you taken a mortgage? A. I have taken a mortgage, and he has given me his note.

Q. No money has passed? A. He agreed to give me money in this way, — to pay so much a month, and of course I thought I would take security to that effect.

Q. But the title of the whole property stands in your name as investor and mortgagee; that is to say, he has no title and has paid you no money yet? A. I have taken his note.

Q. He has no money? A. No, sir.

Q. How many of these fifteen years that you have been in — have you had a license? A. Every year.

Q. What has been the amount of your sales of alcohol in your place during the past two years, about? A. Five or six barrels.

Q. Who have been the consumers? A. Polanders.

Q. Do they make whiskey different from French people? A. Don't know how French people make it; never drank any of it.

Q. Do you know how Polanders make it? A. Have been told they reduce it with hot water and put some sugar in it.

Q. Give us an idea how much whiskey you have sold during the last two years; want to see if your statement and our records compare. A. It would be pretty hard for me to say; I have sent some of the goods I bought to the other store; would be hard to estimate altogether.

Q. You carry how much altogether of stock of liquors? A. Probably eight or ten barrels.

Q. Do you bottle your own ale or porter? A. No, sir; four years ago I did bottle my own; have not since.

Q. Do you keep lager on your premises now for retail sale? A. Have not for two years past.

Q. You do some prescription business? A. Yes, some.

Q. Three or four a week, perhaps? A. Yes; perhaps a few more.

Q. The doctors are frequently in and out the store, buy medicines, etc.? A. Yes, sir.

Q. Do you show them any courtesy, or pay them commission on the business? A. Yes, sir.

Q. About how much? A. About twenty per cent.

Q. You give them cigars occasionally? A. I don't, no, sir.

Q. If they should say, "Mr. —, I would like a little whis-

key or brandy," would you object? A. I would not give it myself; they might help themselves.

Q. Do you mean to say, under oath, no physician has ever been in your store during the past two years and drank a little whiskey or brandy? A. I have not helped them myself.

Q. You don't mean to say that it has not been done? A. They probably have.

Q. What proportion of your liquor sales has been recorded on your books, as required by law? A. Could not say.

Q. Have you recorded half of them? A. Yes, sir; whenever I have been there I have done it.

Q. Did you bring your books with you? A. The clerk I have had right along I had to let go, as I found out he was not what I thought him to be; he has the books put away; I have one here since April. [Produces it]

Q. You have given the Board something of an idea of how you have conducted your business during the past two years; is that a fair sample of what you have been doing during your fifteen years' residence in —? A. I may have been a little more slack, but for the last two years I think I have been living up to the law more than I ever did before.

Q. You have, then, during the past two years, been a little more careful than you previously were? A. Yes, sir.

Q. In other words, you sold more liquor during the first thirteen years of your business than during the last two years, and have somewhat reformed? A. Yes, sir.

Q. You never have sold liquor to be drunk on the premises? A. I have before two years ago.

Q. Sold considerable? A. No, sir.

Q. This book which you have brought down here represents a correct record? A. So far as I could trust my clerk.

Q. You recognize the fact that you are under oath, I take it, and all the answers you make are matters of record, and you understand the penalty of perjury; are these dates here all correct? A. Yes, sir; so far as I know.

Q. Did you not state a little while ago you had made no sales of beer? A. Yes, sir.

Q. I have here, under date of April 15, 1895, six bottles of beer. A. That is unbeknown to me.

Q. I turn here, April 15, 1895, and then April 16, 1895, three bottles of beer; go on a little farther, under the 17th, one dozen beers; turn over the 18th, three bottles of lager beer, and so on? A. That was done unbeknown to me.

Mr. WHITNEY. I want to call your attention to the statement you made in regard to your views of the privileges of a sixth-class license, which positively forbids the Board to consider you a proper person. Now, if a man knows no more about his business than to permit the sales as I have read them here to be made day after day, that matter alone is evidence that you are not a proper person, aside from the fact of your violating the law. Allow me to suggest to you most kindly, when you take advice upon questions affecting you as this liquor question does, that it be from men who have a little honesty, and are not seeking the dollar from your pocket to enrich their own. If a man wants to sell you five barrels of whiskey, his advice is one thing, but is no excuse for the wholesale business you have been doing. Our records previous to your coming before this Board had been bad enough, but you have given us more facts and a clearer insight to the illegal business you have been doing than we were aware of. You have degraded the calling. You and those like you have caused this law, and you know it. This Board, if they should grant you a certificate with which to obtain a liquor license, should be turned out of office in less than twenty-four hours; and if I found myself guilty of signing a certificate for you, the next thing I would do would be to ask the governor to remove me.

Third.

“I have an apology to offer; that is why I am here to-day. After leaving college, I entered the employ of a druggist and never did any work outside of that excepting that of practising medicine a few months, which I always claimed helped me, and I posted myself on medical properties. I wanted to go into the drug business, and was called back to — by Mr. —, who had just bought a store and wanted an experienced man to take hold of it; I stayed there until I thought I had money enough to start for myself. I had a good opportunity, and I started with good intentions, but unfortunately you know in — drug stores started up everywhere during no-license time, and through the sharp competition of those new drug stores that sprung up we were forced to do more liquor business than we wanted to do. In fact, as things run in — it is hard to get along. In order to get prescriptions from the doctors you have to give them all the way from twenty to seventy-five per cent.”

Q. (By the BOARD.) Do you mean to state to this Board, under oath, that in order to get physicians' prescriptions in — you pay, and it is the common custom to pay them from twenty to seventy-five per cent. of the receipts of every prescription they send

you? A. I will tell you my own experience. I have had to pay from twenty to fifty per cent. to doctors out of my profits. The doctor would come around the first of the month and look up his prescriptions, and I would deduct the cost and then give him from twenty to fifty per cent. of the profits; and my belief is that I have lost a great many prescriptions by not paying them as much as my neighbor druggist. One of the leading doctors told me himself, and showed me his books, that he was getting most of the profits from his prescriptions sent to such and such a place. He said, "I think more of you as a druggist than those parties, but I am in it for money, and they pay me more than you are willing to pay." For this reason I have lost lots of trade. That is under oath, and I insist it is true.

Q. Did the physician who told you that, or any other physician, demand from you occasionally a drink of liquor in your store?

A. No, sir.

Q. Never did? A. No, sir; none of the doctors have ever asked for a drink of liquor in my store; one asked me for liquor to be brought to his house.

Q. Did he pay for it? A. I charged it to him.

Q. Do you know, or is it your impression, that physicians go to drug stores and get a little liquor when they are tired, and it is furnished them? A. I think such is the case in some stores; that is my impression; I don't want to say it is a fact, although I do know of one store in particular, a common place for doctors, lawyers, etc., to go in and have all the drinks they want, from lager to champagne; this is a fact, as I have been there and seen it myself.

Q. Do you think you are performing your duty as a citizen of — and a resident of this Commonwealth to permit such a thing to exist and not make it known? A. Well, I don't believe it belongs to me to call out names.

Q. Then you would feel justified, if you should see your neighbor's pocket picked, to let it go on without saying anything?

A. I don't believe there was any harm done except to the law; to no man's family and no man's body.

Q. Did it not hurt you, or injure your business? A. Not that I ever knew; I never felt it.

Q. Then the injury to you has been small, when other people have been willing to do more? A. I don't believe I should have the patronage of those people any way, because they are not so near, and their influence would not be so that they could throw much trade to my store, although I am on good terms with all of them.

Q. How does it happen that somebody else should have been selected by these people than you? A. I am aware of one thing, that my reputation is not good; but I have yet to find a man that can come to my face and accuse me of such and such a thing. I believe from the bottom of my heart that these laws have been made to protect a legitimate druggist; and I believe, if we had had this protection five or ten years ago, I would not have been to this trouble; anybody, particularly in —, that wanted to start up a drug store, would do so.

Q. What amount of liquor business have you done? A. I am not prepared to answer that; I know I did not do as much as some other druggists.

Q. Some twenty or thirty sales a day? A. Very likely I did.

Q. If I understand you, those stores in — opened largely for the liquor business? A. That is my impression.

Q. Now I want the cause of that; you swear under oath that your sales were from twenty to thirty a day; did you not then offer an inducement for other stores to come in and get part of your liquor business; were you not responsible for that? A. I don't believe I was.

Q. Do you think the one-dollar license ever contemplated twenty, thirty or forty sales a day? A. The question was never brought up in those days.

Q. I don't want you to lose sight of my point; now don't you think that by your conduct, making twenty to thirty sales a day, you encouraged others to open drug stores? A. Not willingly. I want to tell you in what shape this puts me; my case is a chronic one, I might say. A few years ago I bought land in — for \$—; after being married several years and paying rent, I built this house, which cost me \$—. I am paying taxes on \$— in —, and if I cannot have the same privileges as my competitors, I think I am a ruined man.

Q. How much of your sales are liquor, do you think? A. About one-third.

Fourth.

Q. (By COUNSEL.) Now, Mr. —, I want to ask, is there more demand for liquors among the French than others? A. I don't know about other drug stores, but in my store they use it more.

Q. Perhaps you can tell us some of the purposes for which liquor is prescribed? A. I guess the gentlemen of the Board know as well as I.

Q. It is more especially prescribed by the French doctors? A. Yes, sir.

Q. If no license is issued to you, and consequently you cannot sell liquor, nor use it except for making medicinal compounds, would that affect your other business? A. Yes, sir.

Q. In what way? A. People who want herbs, and liquor to go with it, will go where they can get both.

Q. (By the BOARD.) What liquors do they usually want when they buy herbs? A. Gin, brandy or whiskey; very little whiskey.

Q. That is your experience as a druggist? A. They use gin, brandy and wines.

Q. For steeping the herbs, and such herbs as what? A. Ladies take gin and put gold thread in it.

Q. What do they use gin and gold thread for? A. Those who buy it know what it is used for; use it a good deal for cough.

Q. What are the medical properties of gold thread? A. Bitter stimulants.

Q. What other herbs do they use with gin or brandy? A. Wormwood.

Q. What do they use that for? A. For bitters.

Q. Is it for the gin they buy the herb, or the herb for the gin, in your judgment as a pharmacist? A. Oftentimes mix up half a pint of gin; use picra in gin.

Q. Is picra an herb? A. No, a bitter.

Q. Will you communicate to the Board what herbs you would be deprived of selling if you did not receive a license to sell liquor? A. Well, they use wine with quinine.

Q. Do you ever refuse anybody? A. Not on week days.

Q. Never refuse anybody? A. If he was all right, would not refuse.

Q. What if he was not all right? A. No, sir; I would not sell him.

Q. Do you record your sales of alcohol? A. No, sir.

Q. Do you register every sale of liquor? A. Yes, sir.

Q. Do you mean to say, under oath, you keep a record of every sale you make? A. Yes, sir.

Q. Your counsel has brought up the question about the liquor inspector of —; kindly state the interview you had with the license commission, when they called. A. I was not there.

Q. Have you ever heard, or did your clerk report to you, what they said? A. I was not there; the chairman said that I should come down to the office, and he told me to look out and register my sales.

Q. What else did he say to you at that time, besides exercising more care? A. That is all.

Q. And since then you have exercised more care? A. Yes, sir.

Q. You remember the time I called your attention to the fact that your certificate of registration was not in your store; why did you let it go to —? A. I had a part interest in that store.

Q. Was a license taken out on it? A. Yes, sir.

Q. You brought down your prescription book to show you have a large prescription business; are you paying a percentage on your business? A. Yes, sir.

Q. Now, Mr. —, do you not also grant some other courtesy to doctors besides paying a commission, let them have a little something when they come in very tired? A. Yes, sir.

Q. You would not object? A. He goes in and helps himself.

Q. How many times during the past three months has this been done? A. Could not tell you that; they go in the back shop, take a paper and read; I don't know what they are doing.

Q. Have the doctors not largely run that store as they wanted to? A. Yes, sir.

Q. (By COUNSEL.) I don't think Mr. — understands what you mean. Now, Mr. —, you don't mean to say that the doctors can come in your store and do as they please and help themselves? A. No, sir.

Q. (By the BOARD.) You state if the doctors come in and want liquor you would let them take it; have you been in the habit of letting doctors come in your store and drink liquors when they please, has anything of that kind been the case? A. No, sir; I mean simply to say that doctors once in a while want a little drop, and we give it to them, but that is very seldom.

Q. (By COUNSEL.) Mr. —, how did that certificate of registration, referred to by Mr. Whitney, happen to go to —? A. I was in company with a doctor; he is a brother-in-law, and he asked me to let him have it for a few months to get a liquor certificate with; I let him have it, then Mr. Whitney spoke to me about it, and I told him I would stop it right away.

[Witness for applicant examined by the Board.]

Q. You have a good deal to do with the French people? A. Yes, sir.

Q. Do you know anything of their habits in making whiskey out of alcohol? A. Yes, sir.

Q. Tell the Board about that? A. I only heard of a couple of them; that they are in the habit of using alcohol quite often.

Q. Was it alone, or with something else? A. Don't know how they use it.

Q. Don't you know they buy alcohol by the pint or quart, then put a little sugar and water in it, set it by, and take a sup when they go to bed at night, — don't you know that is the case? A. Some of them.

Fifth.

Q. (By COUNSEL.) Mr. —, your full name? A. — — —.

Q. Your business? A. One of the inspectors of police at — — —.

Q. What is your special duty? A. Look after violation of liquor business.

Q. How long have you been on the police force in — —? A. Sixth day of March, 1872.

Q. How long have you had the special care of liquor cases? A. Since the last day of February, 1883.

Q. Do you know Mr. — —? A. Yes, sir.

Q. Do you know where his place of business is? A. Yes, sir.

Q. Now, in the course of your duty, whether you have occasion to visit his store? A. Yes, sir.

Q. How often? A. There are two of us that are called inspectors of liquor, appointed the last of March, 1894.

Q. What is your custom of visiting drug stores in — —? A. We visit them every week; take number of sales recorded on the books. We take turn about in making these visits.

Q. Is there any way for druggists to find out when you are coming? A. No, sir; we go around most any way.

Q. Now, what have you found when you visited Mr. — —'s drug store? A. I found Mr. — — there; examined his books; they were properly filled out, and his sales ran all the way from three to seven a week; the record we take is from Sunday morning to Saturday night.

Q. Whether or not there is a bar room anywhere near Mr. — —'s store? A. Yes, sir.

Q. Whether or not there are two? A. Two now; have been three.

Q. Within how many feet, should you say, to the nearest one? A. Should say fifty, perhaps sixty feet.

Q. Have you ever, in visiting Mr. — —'s place, seen any evidence of illegal drinking of liquor, or anything out of the way? A. Never have.

Q. What is the reputation of the place? A. Since he has been there in the building, have never heard a word against it.

Q. Have you been in there at all times? A. Morning, noon and night.

Q. (By the BOARD.) What evidence have you, besides your own observation, to satisfy the Board that seven sales were the extreme amount of sales a week in that store? A. By what I have taken.

Q. Do you mean to convey to this Board, under oath, it is your belief, as an officer of —, that his sales averaged only one a day? A. Yes, sir; some days he made no sales.

Q. Do you mean to state, under oath, according to your best judgment, the sales of liquor have never exceeded one on an average per day? A. That is all I have ever seen.

Q. Have you ever had any reason to suspect Mr. — sold more than you found recorded? A. No, sir.

Q. (By COUNSEL.) Have you passed there time and time again without going into the store? A. I go that way very often, going to my meals.

[Another inspector testified; questioned by counsel.]

Q. When were you especially detailed for liquor inspector? A. Since May 17, 1890.

Q. You know the applicant? A. I do.

Q. Have you visited his place? A. Yes, sir.

Q. How often? A. On an average of once a week.

Q. Will you tell the Board, at any time, whether you called there or not, from your observation from the outside, what you saw? A. I always looked in when I went by, as I always do in all drug stores and licensed liquor stores, and in Mr. —'s never saw anything wrong; never any one hanging around there. I have looked his cellar over two or three times the last year, and found very small quantity of liquor; looked his liquor books over; some days he would not have any sale; some days two or three; the sales would run all the way from, as the other inspector said, about seven a week.

Q. Have you ever seen anything to satisfy you he did an illegal business there? A. No, sir; I have not.

Q. You have been there once a week on an average during the past year? A. About once a week.

Q. (By the BOARD.) How many drug stores in — have you charge of? A. There are two of us that are detailed for that business, and we have — wards; I take — one month and the next take the other —; the other inspector takes my wards.

Q. That is to say, once in two months, or six times in twelve, you visit the drug stores? A. We visit them fifty-two times a year.

Q. How many drug stores are there in —? A. In the neighborhood of sixty.

Q. In your opinion, under oath, to the best of your knowledge and belief, how many of these sixty drug stores make an accurate entry of every sale they make? A. Well, I think all do with the exception of five or six.

Q. Then fifty-four out of the sixty you believe keep a correct record of all their sales? A. I do.

Q. How long does your testimony refer to, to what period, from now how far back? A. Back for a little over a year.

Q. Then since May, 1894, this statement you have sworn to holds good? A. Yes, sir; from the first of March, 1894, to May 20, 1895.

Q. You make the statement, and affirm it again, that you have already sworn to? A. Yes, sir; when I made that statement, I mean the licensed drug stores; there are some not licensed.

Q. Then you swear under oath, that, to the best of your knowledge and belief, Mr. — recorded every sale he made, and that at no time did they ever exceed seven per week? A. Yes, sir.

[Witness for applicant examined by counsel.]

Q. You are on police duty in —? A. Yes, sir.

Q. Whether or not your beat takes in Mr. —'s store? A. Yes, sir.

Q. How long have you been on that beat? A. A year.

Q. So far as you know, Mr. — has conducted his business in a thoroughly honorable and legitimate manner? A. Yes, sir.

Q. You never have seen any evidence of any kind to indicate he was doing an illegal business? A. Not to the best of my knowledge.

[Applicant examined by the Board.]

Q. Now, Mr. —, under your solemn oath and terror of perjury, are you willing to swear to this Board that your sales of liquor, of any and all kinds, have never exceeded an average of seven per week? A. Yes, sir.

Q. Are you willing to swear that they have not averaged more than one a day? A. Sometimes not any at all; possibly not one for two or three days.

Q. Do I understand you to say you are willing to swear you have not sold, that there has not been sold from your store, three hundred and sixty-five sales during one calendar year? A. Not to my knowledge; don't think so.

Q. Not by you or your assistants? A. No, sir.

Q. How much liquor do you buy at a time? A. Buy possibly a barrel.

Q. A barrel of whiskey? A. Yes, sir.

Q. How much alcohol? A. I used to buy a barrel when it was low.

Q. How much sherry wine? A. One-eighth.

Q. How much gin? A. One-eighth.

Q. About how much port wine? A. Same quantity.

Q. Do you buy the American gin too? A. The same quantity.

Q. How much? A. One-eighth of a cask.

Q. The imported too? A. Yes, sir.

Q. How many kinds of sherry wine? A. One.

Q. How many kinds of California wine? A. One.

Q. Do you buy these in twenty or forty gallon packages? A. Those in one-eighth.

Q. The one-eighth package is about twenty gallons? A. That is what they charge for.

Q. You buy forty-gallon cask of whiskey? A. Forty or forty-two.

Q. How much of that do you buy during the year? A. Possibly a couple of barrels.

Q. Do you do any manufacturing business? A. Make some remedies of my own.

Q. Not at wholesale? A. No, sir.

Q. Your liquors amount to about ten thousand to fifteen thousand dollars a year? A. About ten thousand dollars.

Q. And do you mean to say to this Board, with those purchases of liquor, you make less than one sale on an average per day? A. Yes, sir.

Q. What quantities do you sell when you sell liquor? A. About half a pint.

Q. Now, Mr. —, I have computed the number of one-half pints of liquor you swear you have purchased, and I make it 3,984; will you please tell the Board what became of the 3,600 or more half-pints, as you swear you sold only 365? A. I must have it on hand. [Counsel suggested it went to supply his other store.]

Q. When you closed your business under your license, what amount of liquor did you have on hand? A. A barrel, I guess, or more; I had a barrel of French brandy, some port and sherry wine.

Q. How long have you had that in your possession? A. I had Holland gin for over twelve months.

Q. How long did you have the brandy? A. I guess I got the last ten gallons three or four months ago.

Q. How much brandy did you have? A. Possibly might have ten gallons.

Q. About how much California brandy? A. Ten gallons.

Q. How much whiskey did you have? A. Nearly a barrel of it.

Q. How long have you had that barrel? A. Four or five months.

Q. And it is almost full now? A. Yes, sir.

Q. How much gin did you have? A. Possibly nearly one-eighth full yet.

Q. How long did you have that? A. Six or seven months.

Q. How much Holland gin did you have? A. Did not have very much; possibly five or six gallons, if anything.

Q. How long did you have that? A. Over twelve months.

Q. Then the bulk of your liquor is yet on hand? A. A good deal of it.

Q. Have you never, under any circumstances, sold liquor by the glass? A. No, sir.

Q. Don't you suppose I could whisper in your ear a man's name you sold to? A. No, sir.

Q. Can you not think of some man who was in the habit of going into your store and getting liquor by the glass? A. No, sir.

Q. That you state under oath? A. Yes, sir.

The day after the hearing in this case the agent of this Board visited the above drug store, examined his books, and found *thirteen* sales recorded in one day; the proprietor produced only one book, and said, "I have burned all the rest up." "While there, a man well known to me, Mr. —, the person referred to in the last two questions above, came in as usual and walked into the back room. Upon calling the proprietor's attention to his testimony in regard to selling or giving away liquor by the glass, in the presence of Mr. —, the proprietor looked worried. Mr. — the visitor, followed me out and said, 'I do hate a — — liar.'"

The agent did not succeed in finding more than 700 half-pints on hand, leaving nearly 3,000 to be accounted for.

This report is duly signed.

All testimony taken at the hearings is under oath. The charges or complaints on file against the applicants are read or clearly indicated, but the Board reserves the right to withhold the name of complainant, if it has been made confidentially. Communications made to the Board without signatures, or from an unknown source, or "it is said," are not accepted as of any value.

Several applicants for a hearing, five or more, where rather

lofty demands had been made, failed to appear, and from our records we are forced to the conclusion that the noisy, heroic, voluminous letters and petitions were merely an attempt to overawe or subjugate; pardonable, perhaps, because they had not a personal acquaintance with the temper of the Board.

Twelve applications for a hearing were refused, as no possible change could be made, the facts exhibited by our records, the complaints and objection so decided, that it was, in the opinion of the Board, needless expense to the State and the applicant.

Three certificates were granted, but positive complaints were received later and notice was sent the applicants and licensing boards, thus preventing the issuing of the liquor license.

Four applications have been withdrawn, to avoid probable refusals.

Two certificates have been surrendered for cause and cancelled, revoking the license issued.

It would be impossible to convey a correct idea of the varied personal and official influence, pleadings, threats and abuse which have been persistently and industriously urged to secure the dollar license; but the Board, while endeavoring to be civil and courteous, have in every case tried to base the action upon *facts alone*, and with few exceptions the Board has been unanimous in its decisions.

So careful has the Board been to avoid a wrong or injury, that, in several cases where petitions, letters and personal effort seemed to indicate injustice, three and four reconsiderations have been accorded; but the repeated investigations, in nearly every case, resulted in reaffirming previous action.

With every certificate issued the following circular has been enclosed:—

COMMONWEALTH OF MASSACHUSETTS,
BOARD OF REGISTRATION IN PHARMACY,
BOSTON, March 8, 1895.

To the Registered Pharmacists of Massachusetts.

GENTLEMEN:—Special attention is called to the law regulating the sale of intoxicating liquors, *of any kind*, by registered pharmacists under a sixth-class license (see chapter 431, Acts of 1887), which provides that sales shall be made *only* upon the certificate

of the purchaser, and that a book of record shall be kept of the kind, quantity, the price of said liquor, the purpose for which sold and the residence by street and number of the purchaser, who shall also sign his name in said book, as a part of the entry. Complaints are made to this office that the law is disregarded and violated, that in many instances no record of sales is kept, that entries are incomplete and that the books of record are often destroyed, thereby defeating, whether wilfully or otherwise, the purpose and intent of the law, which requires their preservation, and that they shall be at *all times* open to the inspection of proper officers. (See section 4 of said act.)

Inasmuch as the Legislature has imposed upon this Board a public duty, viz., to exercise our judgment as to whether applicants otherwise entitled are proper persons to be entrusted with a sixth-class license, and furthermore, *that the public good will be promoted thereby* (see chapter 435 of the Acts of 1894), we feel justified in calling your attention to the laws referred to. A prompt obedience to all laws relating to the sale of liquors by pharmacists will have an important bearing upon the future granting of certificates, which are valid but for one year, and will aid the Board in determining whether the applicant is a proper person to receive annually such a license.

Your hearty co-operation in the execution and enforcement of the requirements of the law is desired and confidently expected.

H. M. WHITNEY,
F. H. BUTLER,
JOHN A. RICE,
AMOS K. TILDEN,
JOHN LARRABEE,

Board of Registration in Pharmacy.

In ten or more cases where partial complaints have been made, investigation requested and certificates granted, a personal letter has been sent, stating the fact of complaint, with suggestion to avoid an appearance of wrong.

Our correspondence with boards of license commissions, city marshals, chiefs of police, mayors, aldermen, selectmen and other officials has been frequent, and in most cases very satisfactory and of mutual service. In one case, where the chief of police called to say a kind word for an applicant, when shown our record, made from our agent's personal investigation, he said, "You know and have seen more than I, and there is not another word to be said; I am satisfied

that your action is right," and later wrote us: "I shall act on your suggestion as regards advice to the applicant. Regarding any support I have rendered your commission, I have in so doing recognized the fact that through you the *rum-shop* druggist can be broken up, and I am only too glad to avail myself of the opportunity offered by you; and I believe if we all pull together it will result in cleaning out the *rum* druggist and placing the legitimate druggist in the position that he is entitled to hold."

A distinguished and well-known State official writes: "Your honorable Board are doing a great work for temperance and obedience to law; I honor you for it, and whenever or wherever I have the opportunity you will have my hearty support."

The following letters fairly represent the views of the Board, and serve to convey our understanding of the law, the position taken and the principles guiding our action: —

[A.]

BOSTON, Jan. 15, 1895.

MY DEAR SIR: — Agreeable to your request and my promise, I write you regarding the hearing on January 8, accorded to Mr. — of the firm of — of your city.

The Board desire me to express to you their appreciation and grateful recognition of your courtesy and kind consideration of our position, your readiness to waive technical points and aid us in getting at the simple facts. One very important fact was developed at the hearing, and submitted as a reason why an injustice was done Mr. — in refusing him a liquor certificate; viz., "That it was generally understood, and so ruled by the courts in that section of the State, that there was no limit to the number of sales of liquor under a sixth-class license, provided the purchaser signed the book containing the record of sales." It was in evidence under oath that —'s sales of liquor in 1892 averaged fifty or sixty every day, and on holidays probably more, not because there was more sickness, but more call. It also appeared this amount or number of sales, fifty to sixty or more per day, was the general average of all the druggists of —, excepting two, viz., — and —.

When your client, Mr. —, testified under oath substantially admitting the above, and computing the amount of money received from his sale of liquors, exhibiting as it did the major part in

amount of his daily sales, you will remember the astonishment expressed by the Board, and the difficulty they plainly exhibited in comprehending the elasticity and liberal interpretation of the rights and privileges of a sixth-class or one-dollar license, accorded by the authorities in your section of the State.

It is not of course the province of this Board to criticise or perhaps even allude to the action of any other board or officials, but it is important and only fair that this Board should plainly and clearly state its position in granting liquor certificates to obtain a sixth-class or one-dollar license as now required by law. By reference to chapter 209, Acts of 1885, you will notice, among other articles, the apothecary who sells arsenic, laudanum, tincture of belladonna, tincture of digitalis, tartar emetic, etc., shall keep a record of such sale, the name and residence of the person or persons to whom it was delivered; whoever fails to do this may be punished by a fine of fifty dollars. It seems to this Board that the sixth-class license to druggists for the nominal sum of one dollar implied the exercise of as much care, caution, discretion and good judgment in the sale of liquors as was expected and required in the sale of other medicines that *may be improperly used*. That it was the intention and purpose of the Legislature that the sales of liquor by druggists should be at least as carefully guarded as the sales of poisons and other drugs, the use of which is sometimes abused, seems to this Board apparent from the fact of the additional requirement in the license act that "the purchaser shall also sign his name in said book as part of said entry." (See section 3, chapter 431, Acts of 1887.)

You will remember the statements made by every member of this Board, who have had twenty-five or more years of experience, that their sales of liquor did not exceed an average of three or five per day, that they did not feel or believe the druggists' license was ever intended to cover, under any conditions, ten daily sales. For a saloon business, saloon prices of one thousand to twenty-five hundred dollars should be paid. The one-dollar license was for the legitimate sale of liquors for medicinal, chemical and mechanical purposes only, and was so understood and accepted by all reputable druggists.

During the past few years the number of drug stores, so called, have multiplied amazingly, not for the purpose of conducting an honorable and legitimate pharmacy, but, under the cover and protection of a drug store, to keep and sell rum. It has been simply a fraud upon the license revenue, a shame and disgrace to the honest druggist. The Legislature, in its wisdom and sense of justice, at the close of the session of 1894 calls a halt to this con-

dition of things, and to our regret placed upon this Board the duty of enforcing a change by forbidding the issuing of a sixth-class or dollar license without a certificate from this Board that in our judgment "he is a proper person and the public good will be promoted."

Hard and disagreeable as this burden is, we propose to exercise our judgment fearlessly and faithfully, for our brief experience in the investigations accomplished during the past seven months conclusively establishes the fact that many law-abiding and reputable druggists have, as they feel, been forced, in self-defence, to accept a more liberal interpretation of the law. This Board feels and recognizes the outrage and shame as well as the demoralizing influence resulting from the late saloon keeper establishing so-called drug stores, and employing registered pharmacists, at good wages, in almost every city and town in the State. The Acts of 1893, chapter 472, were designed to correct this evil, and much good has been accomplished; but the Act of 1894 places in the hands of this Board the power of a veto upon the abominable fraud perpetrated, and, true to our oaths of office, we shall try to use this power in the interest of the people who demand it, and we trust in time to the elevating and restoring to its former dignity the responsible and honorable calling of a pharmacist, upon whom so many depend.

Most laws sometimes rebuke and punish one, no worse or as bad as others, and it can hardly be expected this law will prove an exception, and this Board mete out exact justice in every case. In fact, it is apparent, from the testimony at the hearing on January 8, that our action in granting several certificates was an error, and if the facts as sworn to exist and continue, there need be no assurance that those errors will be corrected at the first opportunity. All certificates, whenever issued, expire the first day of May of the following year, excepting when granted for the fraction of a year between January and May. The fact that we have unwittingly or unwisely granted certificates that we should not have done (and if in our power would now revoke, if the statements made are facts) does not appear to this Board a sufficient reason nor do we feel you would ask us knowingly to commit another error. This Board have no hesitation in declaring that in their opinion the average sales that can honestly be made under the sixth-class or dollar license should rarely exceed an average of three and never an average of ten per day.

The action upon the application of Mr. — of the firm of —, recorded Dec. 27, 1894, must stand.

By order and approval of the Board,

(Signed) H. M. WHITNEY, *President*.

P. S. As you desired this letter for publication, I trust you will not permit any names to appear, and assure you, if published from this office, we shall surely withhold names of persons and city. Believing that you must and do approve of our action, with personal regards,

Yours very truly,

(Signed) H. M. WHITNEY.

[B.]

Boston, Feb. 13, 1895.

DEAR SIR:—Yours of February 12 received. As I read the letter, you are living in great anxiety to know the future as regards the chances of your securing a liquor certificate from this Board, that you may properly apply for a sixth-class liquor license before May 1, 1895. You claim to have an invalid wife and four children, that all you have is nine hundred dollars, and that is invested in the store with which you are connected, and in the name of charity and as a favor you ask this Board to let you know at this time the probabilities of your obtaining a sixth-class license next May.

In looking up the record you have made for the past two or three years, and our recent investigation of your present situation and connections, there surely seems good reason for your "great anxiety." It is not for me to say what the Board will do when your application comes before them, but, as you desire an answer to your letter, I will briefly give my individual opinion. The days for the use of a druggist's liquor license to run a saloon, or even to obtain anything like a living by the sale of rum, have passed; and any and every drug store that does and must depend upon the sales of liquor as the major part or even as a *necessary* portion of the revenue to sustain the store, had better abandon the drug business. The drug store can no longer be a cloak or protection for illegal or improper sales of liquor, so says the law as this Board interpret it; and, as now constituted, this Board understand and recognize the recent law to be a demand from the people of the Commonwealth that only drug stores of a reputable character, conducted by proper persons, and in a way to promote the public good, shall hereafter receive a sixth-class license, and not then if valid complaints are made. The Legislature has placed upon this Board the responsibility of passing upon the question of proper person and public good. This clearly means that those persons who by their acts have caused this law, who have been selling as much or more liquor than drugs, or any considerable quantity, and particularly as in your case, to be drank upon the premises, are

not proper persons, and a license to such persons will not promote the public good. This I understand to be the position taken by the Board. All applications will be received and duly recorded; the past and the present character and reputation of the person and location, when not found upon our records, will be carefully investigated, and great care taken to avoid an injustice to the applicant or a fraud upon this Board and the Commonwealth.

An alleged reformation and promise to reform as you make may be helpful; but, as it is a well-established fact that continued violations of the liquor laws are demoralizing to most persons, one or more years of absolute reform will undoubtedly have more influence than a promise under such conditions as this law finds you.

Yours truly,
(Signed) H. M. WHITNEY, *President.*

Notwithstanding the above letter, the party still persisted in demanding a liquor certificate, and a blank was sent him with the following letter. Two applications have been made this year, and both have been refused.

[C.]

Boston, Feb. 21, 1895.

DEAR SIR: — In response to yours of the 19th, I send herewith blank as desired. You again misinterpret my letter. This Board does not feel or believe a liquor license is a necessity for a drug store as an essential part of the resources of a pharmacy; and, if a drug store cannot exist without more sales than was contemplated by the sixth-class license, *strictly* for medicinal purposes and compounding, it would be wiser to close.

Yours,
(Signed) H. M. WHITNEY.

[D.]

Boston, Feb. 18, 1895.

DEAR SIR: — Yours of February 15 received. I have carefully looked over our previous correspondence, and, as I understand your letter of the 15th, owing to your eyes getting weak, you now propose to return to the drug business if you can be assured of a liquor certificate from this Board. The first question that will confront the Board is, that you make the liquor license a paramount question; this of itself is against you, as the liquor license in the future means simply an incidental and not a prime condition. 2. If

there is any business demanding good eyesight, it is the drug business. 3. Your long absence from the drug store has not been to your advantage as a pharmacist. I cannot tell you what the Board will do, should you send in an application, but my personal opinion is, I should stick to the dental office, and not attempt to monkey with a drug store again.

Yours, etc.,

(Signed) H. M. WHITNEY.

[E.]

Boston, May 6, 1895.

DEAR SIR: — At a meeting of this Board on the 6th inst. your petition, signed by many of the citizens of —, asking that you be granted a liquor certificate, was read and duly considered. Your petition says — has over seven thousand people of German parentage, and it is a necessity they should have a druggist who understands the German names of drugs.

In response, I am directed to say the granting or refusing of a liquor certificate carries with it no expression of opinion regarding the pharmaceutical knowledge or skill of the applicant; it does not in any way add to or take from the rights of a registered pharmacist to conduct his business as a registered pharmacist. The law does not permit the Board to issue the liquor certificate except certain conditions exist, and the Board can say the public good will be promoted by the granting of a sixth-class license. The sale of liquors by a pharmacist, like the sale of poisons, is regulated and controlled by special acts; but, as this Board understand, there is no act that prohibits the keeping in stock, for compounding or conducting the regular legitimate business of a pharmacy, such liquors and poisons as the business absolutely demands. It is also set forth in your petition that, as you speak German, it would be a benefit to the German people if you were granted a sixth-class license. In response to this point I am directed to say the Board have never before heard it intimated that any of the many nationalities now in this country had suffered or been inconvenienced in making known their need of intoxicating liquor for medicinal, chemical or mechanical purposes, and the Board cannot recognize as sound and valid any such suggestion. In all applications for liquor certificates made to the Board the questions of race, color, politics or religion have never been considered, and when advanced by an applicant or objector, the answer has invariably been: "We have nothing to do with these questions. An applicant may be white, black, Greek,

Hebrew or Gentile, that is none of our business ; we simply pass upon the question of a proper person and promoting the public good under the law." We should grant a liquor certificate to any person, provided he was a registered pharmacist in this State, in our opinion a proper person to be entrusted with a liquor license, and such license would promote the public good ; provided, also, there were no *valid complaints* against it.

In your case there was a complaint ; it was reported to us in writing that you are not a proper person to be entrusted with a sixth-class license ; that you have the reputation of selling or giving away liquors for purposes or uses other than provided for in a sixth-class license, and that there is probably an apparent reason to suspect an abuse of said license. This complaint, in connection with our records of you prior to as well as in your present location, was, in the opinion of the Board, sufficient reason for refusing your application for this year.

As you have made your refusal public by sending us the petition signed by so large a number of your nationality, we feel justified in giving to the citizens of your city a copy of our reply through the press.

Yours truly,

(Signed) H. M. WHITNEY, *President*.

Approved by all members of the Board.

(Signed) F. H. BUTLER, *Secretary*.

[F.]

Boston, Aug. 1, 1895.

GENTLEMEN : — Yours of July 27 was received this morning, and will be read to the Board at their next meeting, probably some time between the 15th and 30th. Your statement " we have formed our conclusions why you have taken the stand you have in our case," the several intimations that you have been the victim of malice or envy, indicating in your opinion or " conclusions " that the writer has not been free from bias or prejudice, and the request that we " look up your standing as druggists or as citizens," are carefully noted. It is impossible for me to control your conclusions or sources of information, but you may rest assured personal and special investigation and attention were given your case, and your reputation as druggists was excellent, but as grave and flagrant violators of the sixth-class liquor license the evidence from *many* and *varied* sources was most positive and beyond the possibility of a doubt.

Yours truly,

(Signed) H. M. WHITNEY, *President*.

In response to an "open letter" sent to the president by a very prominent official, threatening an appeal to Your Excellency, demanding the reasons of a refusal, and adding, "If you can see your way clear to grant Mr. — a druggist's license, no reply will be necessary; but if not, I propose to go to the bottom of the matter and learn the whys and wherefores of this business," the following letter was immediately mailed:—

[G.]

Boston, Aug. 16, 1895.

DEAR SIR:—Yours of the 15th inst. received, and contents carefully noted. This Board has not the slightest objection to your making an appeal to His Excellency the Governor, should you deem it best.

A very difficult duty is imposed upon this Board to say a man is a "proper person" and "the public good will be promoted" by having a sixth-class license. In the exercise of this duty we have sought to be exceedingly careful to avoid injustice to any one.

In case of —, his application was refused upon a complaint in writing to us that his store had the reputation of selling liquor not provided for in a sixth-class license, and that there was an apparent and probable reason to suspect an abuse of such a license.

Upon the request of Mr. —, a hearing was accorded to him May 15, 1895. It was quite a lengthy hearing, he appearing with counsel and several witnesses. On May 17 the complainant called and reaffirmed his facts as stated in his complaint. July 23 a verbal complaint was made, stating Mr. — was not the right man for a liquor certificate for either of his stores. This is from a party whose name we have, and who was in a position to be able to formulate a correct opinion.

In the duties placed upon this Board it would be strange indeed if we did not make some errors; but the Board fail to see, because errors have been made, why they should continue to make them if they have reason to fear the granting of a certificate would make an additional one.

Trusting this explanation will be satisfactory, or if you desire to have a personal interview, shall be glad to see you, I remain,

Yours truly,

(Signed) H. M. WHITNEY, *President*.

[H.]

BOSTON, March 18, 1895.

To the License Commission of —.

GENTLEMEN: — This Board are very anxious to weed out of your city those druggists who are *not* proper persons to be entrusted with a sixth-class liquor license, and the granting of which will not promote the public good. We specially desire your aid or the assistance of your chief of police, to compare with our record, as it is possible we have made or may make some mistakes without your assistance.

To make the labor light, we enclose a key by which a letter or several letters will convey your opinion if placed in connection with every name. Please return the key with your list.

Yours very truly,

(Signed) H. M. WHITNEY, *President*.

[I.]

BOSTON, April 9, 1895.

DEAR MADAM: — We are receiving many protests for our action in refusing a certificate to Mr. —. It is claimed by many of the best and most influential people of — that the offence for which Mr. — was made to suffer was caused by his clerk and regretted by Mr. — as much or more than by any one else. In fact, the unfortunate occurrence, we are told, aged Mr. — many years.

From all the facts presented to this Board by those who personally know Mr. — in and out of your town, we are led to the conclusion that the cause of good morals, law, order and temperance would be better served by granting a certificate than by continuing the refusal. It would, however, please this Board, and we believe would promote the work in which you are engaged, if you and Mr. — would withdraw your objection to Mr. —.

Awaiting your early reply, I remain,

Yours very truly,

(Signed) H. M. WHITNEY, *President*.

A similar letter was written to another complainant in above case. In response to the first letter the complaint was withdrawn. In response to the second letter a third and more serious complaint was received. This was followed by a personal and most thorough investigation by a member of

the Board, resulting in the absolute refusal of the application.

In this department of our work the Board have held thirty-five sessions for the purpose of passing upon applications for liquor certificates. Five of these sessions were long and exhaustive, adjournment being made at 10.30, 9.30, 10, 11.30 and 11.15 P.M.

Many of above sessions have been held outside of those called for this special work and during examination days, or work on Acts of 1893. This ought not to be, but the fear of overrunning the appropriation for this department seemed to make the long days a necessity and crowd the other departments. In every possible way we have tried to avoid delay in passing upon applications and keep the expenses at the lowest possible point.

We have card or key ratings of about eleven hundred stores, not including Boston nor many of the smaller towns. Another year we propose to largely increase this card rating. We have also several hundred (and daily increasing) ledger accounts or facts relating to raids, prosecutions, complaints, investigations, etc., of certain persons and places. The cards or key ratings and ledger accounts are changed as facts gathered or complaints received indicate a change for better or worse conditions.

During a portion of March, April and May the correspondence, personal applications for blanks, inquiries, explanations, information, sought by both applicants and complainants, proved to be more than the two persons in the office could properly handle, necessitating the assistance of the secretary of the Board many days.

In several cases where heroic efforts were made, social, political, mercantile and religious influences were brought to bear in favor of applicants as against the complaint, members of the Board have made personal visits and secured facts bearing upon the question of "proper person" and "public good." It is of course possible, if not probable, that we have made some errors in judgment, but from subsequent developments we feel a positive conviction that our errors have been largely, if not entirely, on the side of leniency. In some cases where certificates have been granted for 1895 and 1896

they will be refused for 1896 and 1897 ; and if it were in our power to revoke the certificates, and that revocation would cancel the license, it would be done at once.

That the work of this Board has the enthusiastic approval of the people we are assured from the encouraging remarks made. That we are denounced by some so-called pharmacists is true ; but the action of the Massachusetts State Pharmaceutical Association and the following resolution passed by the Boston Druggists' Association clearly indicate the opinion of honest, intelligent and reputable pharmacists of the State : —

Resolved, That this Association commends the fearless enforcement of the laws relating to sixth-class licenses inaugurated by the Massachusetts Board of Registration in Pharmacy, and respectfully petitions that the Boston Board of Police co-operate with said Massachusetts Board of Registration in Pharmacy in granting licenses to druggists in the city of Boston.

FINANCIAL STATEMENT FROM OCT. 1, 1894, TO OCT. 1, 1895.

Services and expenses of the Board, including daily attendance and records of the office and special duties of the president, telegraphing, telephoning and special trips,		\$3,221 17
Services and expenses of S. B. Harris,		932 87
Services of stenographer, Miss M. P. Bihler,		322 50
Services, clerical, Miss J. C. Butler,		10 00
Postage, printing, stationery, etc. (including typewriting machine),		427 08
Total,		\$4,913 62

Vouchers in detail at Auditor's office.

Received for liquor certificates,	\$1,229 00
Returned to rejected applicants,	225 00
Paid to State treasurer,	1,004 00

This tenth annual report, covering the three departments of our work, is intended to convey as clear and comprehensive a statement of the duties and results as will be desired or read. The agent's report following is taken from his twelve monthly reports on file at the office.

We trust this presentation of facts will be carefully read, and, if appreciated as of service to the State, sustained by appropriate action.

Respectfully submitted,

H. M. WHITNEY, *President.*

F. H. BUTLER, *Secretary.*

JOHN LARRABEE.

AMOS K. TILDEN.

JOHN A. RICE.

AGENT'S REPORT.

LOWELL, MASS., Oct. 1, 1895.

To the Board of Registration in Pharmacy.

GENTLEMEN:—I present herewith a statement of my labors in the enforcement of the pharmacy laws, noting places visited by me under your direction. I shall not attempt to furnish an accurate estimate of all the results accomplished. Many abuses have been corrected by the attention of the offenders being called thereto; many violations of the liquor law, beyond the province of the Board, have been reported to the local authorities, in many cases with most satisfactory results.

Under the Acts of 1893, making it the duty of the Board to suspend or revoke certificates of registration in pharmacy for cause, much difficulty has been encountered, owing to the fact that the law requires complaint to be made within fifteen days of the date of the act complained of in writing; but many times it has been impossible to present a formal complaint within the period of fifteen days, on account of no notice having been given the Board or their agent by the local authorities until after the expiration of said fifteen days; and that hinderance to the enforcement of the law should be amended by changing it from fifteen to sixty or ninety days.

DETAILED REPORT.

October, 1894.

Went to Fall River, investigated every drug store there with an inspector detailed by the chief of police; found one place doing a fourth-class liquor business under a sixth-class license granted to an apothecary in another section of the city. As you well know, this was a complicated case, and

brought about by political influence rather than by the attempt of fraud on the part of the saloon keeper or registered pharmacist. The certificate was suspended and the saloon keeper went to another State. Another store visited concluded to close, having no registered pharmacist. Caused complaint to be made in the police court, charging defendants with obtaining a sixth-class license to sell intoxicating liquors in the name of a deceased owner of a certificate, and also on a charge of keeping and maintaining a common liquor nuisance. Served notice on registered pharmacist to appear before the Board.

Visited the drug stores at Quincy, Randolph and Waltham. At the latter place found neglect in displaying certificate as required, which was corrected upon request. Also one store where the registered man was attending medical school and not in attendance at the store. He was directed to either close the store or have a registered pharmacist in charge; he at once employed a registered pharmacist. Made formal complaint against a registered pharmacist in Boston.

Visited the drug stores at Lawrence, Methuen and Andover. Found a license in Lawrence granted to a person who was not a registered pharmacist, and reported the case to the proper authorities.

Visited every drug store at Bradford and Haverhill, and found a much better condition of things than on my former visit, but not by any means in good condition. At one store found two men in the back room playing cards, with two glasses of whiskey partly drunk. This place was owned by an unregistered man who employed from time to time a registered pharmacist. At another place found a man who has pretended to own and supervise three other stores during the past year; at this store there was plenty of lager beer on ice, and evidence of being drunk on the premises. Also reported three other cases to which attention has been called and certificates suspended.

Visited Cambridge and found a better state of things than anticipated. One store no registered man in charge. Proprietor explained by saying his registered man left a short time since and he would obtain a new one immediately.

Also found in one store the certificate of a registered pharmacist while he was personally supervising a store in another city. Called the attention of the chief of police to the matter, who agreed to notify me if not corrected at once. Calling at the district court, I learned a charge of illegal keeping was made against —, but the fifteen days having expired I could not make complaint to the Board. This is the second time this man was convicted, and had it not been that the fifteen days had more than passed, which barred out the complaint, this man's certificate of registration would probably have been revoked.

Visited Brockton; inspected every pharmacy in the city. Found no visible violations of the pharmacy laws excepting in three cases. Found a former grocer and rum seller, who had served a term of imprisonment for violating the liquor law, running a drug store; his brother claimed to be the proprietor of the drug business, which is merely a cover, but there was no law under which I could act in the name of the Board; notified the police. At another store there was no certificate of registration displayed, the owner claiming to have lost it. Notified him he must conform with the law at once or close the store. At another place found a man, a plumber by trade, running a store without a certificate. Gave him the usual notice, and a few days later received a postal card saying he had secured a registered clerk who had gone to work that day.

Went to Everett and found no cause for complaint.

November.

Visited drug stores at Taunton and found them in fair condition with few exceptions. In one store saw the proprietor selling a pint of whiskey to a lad eleven years old. Called his attention to the violation of his license, and also notified the police. At another store found a bad reputation with all the ear-marks of a regular rum shop. At another place found a sixth-class license had been granted to a person who had been a non-resident for many years, and now a resident of Minnesota. Notified the chairman of license commission, and called his attention to the matter.

Investigated several complaints in Lowell, but found no visible evidence to warrant them.

Visited every drug store in Salem, Beverly and Peabody. Found four cases, to which your attention has been called and action taken. As there is no license in Salem, found the drug stores in Beverly were doing quite a liquor business, some new stores having started recently. You will notice by my report, or the card record, that in Beverly and Beverly Farms I found only four who seemed worthy of a sixth-class license; also four in Peabody.

Went to Lynn; found several making sales of alcohol to a considerable extent without making any record of the sales. (See report as by key.)

Investigated a case in Boston, and was satisfied there was no foundation for complaint; evidently a case of malice of a discharged clerk.

Investigated stores in Attleborough, North Attleborough, Mansfield and Foxborough. In these several towns found three or four cases, to which attention has been called and action taken.

Visited New Bedford; had a conference with the license commission, who seemed very anxious for aid in ridding the city of the bogus drug stores. Your attention has been called to five stores on the card report, clearly indicating that the "public good" will not be promoted by granting them licenses.

Visited Newton in company with the chief of police, riding through the several parts of Newton, including a drive of twenty miles. Found one store without a registered pharmacist; the store was immediately closed. This is one of the cities where not a single outsider was found lounging in the back room, owing to the vigilance of the chief of police.

Second visit to Lynn, which proved, with few exceptions, that the druggists were doing fairly well. Cautioned them in regard to sale of alcohol.

Second visit to Taunton. Was accompanied by the secretary of the Board as witness in the superior court in cases from Fall River.

Third visit to Taunton on same matter. There were several cases on trial for keeping a common liquor nuisance,

and the jury brought verdicts of "not guilty." The judge remarked he thought cases of this kind had better go over to the next term to obtain a different set of jurors, and the district attorney said, "I am glad I am not a resident of Bristol County." The judge replied, "I think you are to be congratulated." At the superior court, where I was a witness, on a charge of keeping and exposing drugs, medicines and poisons a fine of twenty-five dollars was imposed; on charge of keeping a liquor nuisance, a fine of fifty dollars.

A party in Waltham was found guilty of violating the liquor law, having been refused a license by the board of aldermen last spring.

Visited Somerville, the chief of police detailing an officer to accompany me in my investigation. Found one store had failed and closed up. At another found three men behind the prescription desk with glasses containing small quantity of whiskey.

Went to Clinton. Found an unregistered man running a drug store. The place was raided and I was summoned as a witness at the time of trial.

Went to Northborough and Marlborough. At the latter place found a store without a registered pharmacist and it was at once closed. This was the store where we have had so much trouble and in which the officials seemed interested. After several interviews with the officials regarding this matter was successful in closing the store again and for the third time.

Visited Boston; investigated a complaint. Found there were some irregularities, but they were at once corrected.

Visited Roslindale to investigate a complaint. Found the store was being run without a registered pharmacist. Inquiry developed the fact that a new man would be there on the following day at four o'clock, and notice would be sent to the president of the Board.

December.

Went to Clinton as a witness. Party referred to in the November report was convicted and ordered to pay a fine of two hundred and fifty dollars.

Visited Chelsea. Proprietor of one store was attending

medical school, leaving his store in charge of an unregistered man; he promised to correct immediately. One store recently raided has been closed and the party left town.

Visited every pharmacy at Ashland, Hopkinton, Milford, Franklin, Medway, West Medway, Holliston and South Framingham. Found several bad cases, which have been reported to you and rated by key. One store was notified that they must close at once; the proprietor promised to pack up the drugs and medicines or get a registered pharmacist immediately. At one of the stores, upon my entering the premises and going to the back room, the clerk made a rush and covered up a lot of lager beer bottles, some full, some partly full and some empty. Also at the sink where he took the bottles from there were eight glasses, some containing lager beer, some whiskey; all had small quantities of lager or whiskey in them. Upon calling attention of the proprietor to the activity of the clerk upon the entrance of a stranger, his reply was, "You will find this a peculiar town; there is scarcely a market or grocery store that does not keep lager beer." On this trip I found several violations of the pharmacy laws, and noted result upon the key report.

Went to Brookline, Dedham and Hyde Park; visited all the drug stores; found them in fairly good condition.

Visited Groveland, Merrimac and Amesbury, record of which you will find on the key report. No specially bad cases.

Upon request I again went to New Bedford, visited every drug store, and in company with the chief of police made up complete card key. Found one store running under a certificate of a pharmacist residing in the State of Maine, neither of the proprietors or real owners being registered. Ordered the store closed and not opened until they had the supervision of a registered pharmacist. They concluded to take chances, but were soon raided by the police at my request, and as a result one of the partners was sent to the house of correction, thereby closing the store. The other partner opened a new store in another part of the city. My attention being called to the fact, I visited the store, giving the result of my observation to the chief of police; the following Sunday the store was raided; the officers found the clerk

intoxicated; he was arrested and convicted on the following day. The proprietor escaped for the time being and was found dead the next day in his shop. Later the original proprietor, who had served his time, after the expiration of his sentence removed the stock to another store, shortly after which a fire consumed the building and stock. The certificate of the registered pharmacist employed, on his second offence, was revoked altogether, as will be seen by the records. One other store, doing a vile business, was closed. Found another store without a registered man, proprietor owning two stores. Notified him to either close the store or secure a registered man immediately. Another store where we have had previous trouble with the proprietor has sold out to other parties, the original party having given up the business. There were several other cases, to which your attention has been called and full ratings given on the card key.

Visited every drug store in Medford and Revere. Found nothing very serious. (Ratings on card key.)

Visited Weymouth, North, East and South, Braintree, South Braintree and Holbrook. No complaints excepting in one case.

Visited Milton, East Milton, Watertown, Concord, Concord Junction and Maynard. Apparently all right.

Went to Ipswich, Hamilton, Wenham, Danvers and Topsfield. On this trip found one store which was a branch of a store in Salem where the selectmen had granted a license which was later revoked, and recently the stock and building destroyed by fire.

Visited Marblehead, Saugus, East Saugus and Cliftondale. Found one very bad case where there were railroad bottles of whiskey and rum and alcohol put up. Upon inquiry was told by the clerk they were not for sale; that the proprietor kept them for his own use.

Visited Plymouth, Kingston, Scituate, Hingham and Cohasset. Apparently all right.

Went to Bridgewater, Middleborough, Abington, North Abington, Whitman and Rockland. Found only one case of importance, where a first-class drug store had become a low grog shop. The proprietor had been prosecuted and

ordered to appear before the court the following day. The clerk was obliged to look for a more reputable position.

Second visit to Brockton. Found the store previously mentioned, owned by the plumber, under the supervision of a registered pharmacist.

Investigated two drug stores at Hudson and Marlborough. In one store its rear connection with a billiard saloon indicated probabilities of an illegal business. At another store the young man in charge, a registered pharmacist, was cautioned about the risk he was assuming regarding his certificate of registration. The store warned at my previous visit had failed to comply with the law and was closed up at once, the proprietor saying it would not again be opened until he had procured a registered clerk. The officials mentioned in my former report, who apparently were in sympathy with one of the stores, had changed their tactics, and there was a decidedly marked improvement in the drug business at Marlborough.

Investigated complaint in Chelsea; it was a clear case of keeping and exposing drugs, medicines and poisons contrary to law in every particular; the proprietor agreed to abandon the drug business; the registered man in charge of this place, on account of illegal sale of liquor and raiding, promised to sever his connection for fear of the loss of his certificate of registration. The particulars of this case you have before you.

Went to Haverhill; investigated complaints against three different parties, all of whom were summoned to appear before you, and their certificates were suspended.

Visited Allston and Brighton. Found there were a few drug stores who were selling considerable lager beer, evidence of liquor being drunk on the premises and failure to register sales.

January, 1895.

Made four formal complaints to the Board. Went to Walpole, Blackstone, Milville and Uxbridge. Found two drug stores without registered pharmacists; the proprietors promised to correct the error at once. At one of the stores the proprietor endeavored to excuse himself for not having a registered clerk by saying that a physician came in and

supervised the prescription business. Two had abandoned the business. Found one store had a very bad reputation in regard to sales of liquor. Also found stores which had recently been raided.

Investigated complaint in Boston; found no registered man in charge, three having been employed within a short time, the last one having dropped dead in the store two days previous to my visit. This store had a bad reputation, and the complaint was not only for keeping and exposing drugs without a registered pharmacist but for illegal sales.

Upon receipt of telegram from the chief of police at Haverhill again visited that city. Found one store, proprietor not registered; the registered clerk, who admitted that lager beer was illegally sold, that the registration of the sales was improperly kept, that dice were shaken for drinks in the back room, said, "I am done working in this place; I will surrender my sixth-class license to the commission the first thing Monday morning." Found four persons, against whom complaint had previously been made to your Board, had surrendered their certificates to the license commission, as I had evidence of their selling intoxicating liquors illegally. Rendered card key report of over fifty cities and towns. Upon reported conduct of several parties, received instructions from President Whitney to make formal complaints against three persons.

Visited Marlborough as a witness in a case of seizure of intoxicating liquors; liquors were declared forfeited, the man found guilty of illegal sales and fined fifty dollars. Obtained evidence at another store where four men were found in the back room in the act of drinking whiskey, formal complaint of which has been made to your Board.

Was instructed by President Whitney to notify five parties complained of to appear before the Board on the 15th inst., to show cause why their certificates of registration should not be suspended or revoked altogether.

Investigated complaint against a party in East Boston; could not gain admittance to the store, but in looking through a back window saw three men stupidly drunk and could not rouse them. Had conference with the police and arranged for a raid to follow, at which I assisted.

Investigated complaint in the city of Lowell, charging party with being drunk at his drug store; formal complaint was made to the Board of this case, and before notice could be served the man had left the State. Visited another store at Lowell against which serious complaint had been made, and upon my remonstrating with the registered man he replied, "I am not to blame for what the proprietor does." I also called his attention to the trouble he had in two other cities, the warning he had received, and that he had now located in a worse place than either of the other stores, and stated that I would have to summon him before the Board of Pharmacy, which was done, and in view of the peculiar position his certificate was suspended for thirty days only. Later on this man, instead of profiting by the warning and lesson, continued in his work, and his certificate has since been revoked altogether.

Attended a hearing in the several complaints on file at the office and gave my testimony as required, and the actions taken are matters of record at the office.

Again visited Boston, to investigate a case of special complaint, and found a registered man in charge.

As directed by President Whitney, I visited a store in Revere. This store was protected by a registered pharmacist who was doing business in an adjoining town, the proprietor not being a registered pharmacist; found that only one prescription had been compounded during the last thirty-four days; the registered man was summoned to appear before your Board, and his certificate of registration was at once removed from the Revere store. The proprietor of this (Revere) store was summoned to appear in court, but owing to the apparent influence of counsel the charge was declared not sustained.

Visited Lawrence for conference with the license commission and the seizure officers in regard to certain stores, for the purpose of making formal complaint to the Board under the Acts of 1893.

Visited Beverly to investigate complaint made against a store recently started with the evident purpose of supplying the demand that was created by the "no-license" vote in the city of Salem, this store being so situated as to make it par-

ticularly easy to supply that demand, and having been refused a liquor certificate by this Board. Found sufficient evidence, and they were brought into court, and fined one hundred dollars and sentenced to three months in the house of correction. This is another case where the fifteen days' limit prevented our revoking the certificate of the registered man in charge.

February.

In company with the secretary of the Board, went to East Boston as complainant and witness. This was the case referred to in my January report. The judge ruled that "the pharmacy law was defective, as it did not state how much personal supervision a registered man is required to give in a store where the proprietor is unregistered."

Visited Woburn at request of the city marshal. Two druggists had been prosecuted in the police court for keeping a liquor nuisance, but again, as the fifteen days had expired, I could not bring the charges before your Board for revoking the certificate of registration.

Again visited Haverhill at the request of the city marshal; had a conference with the mayor, who took occasion to compliment the Board on the good work already done in his city. On careful investigation of the stores there seemed to be a very great improvement from the former condition, but still requiring close watching. On my return trip I learned at Lawrence from the liquor inspector that the cases appealed from the police court had been disposed of in the superior court at Salem.

Visited Salem to obtain copies of the convictions in the above Lawrence cases, to present with my formal complaint for revocation of certificates of registration.

Had a conference with the chief of police at Lynn, who expressed an honest desire to aid the Board in the work they were engaged in.

Called at the office, received further instructions from President Whitney in regard to the performance of my duties.

Sickness prevented my doing more work this month than above.

March.

At the police court in Lowell, where I appeared as a witness in a case of illegal selling, the party was convicted and fined one hundred dollars. Served notice of a hearing before the Board under the Acts of 1893.

Visited Lawrence to serve notice upon two parties whose cases had been disposed of in Salem to appear before this Board for violating the Acts of 1893; found the store closed and that the parties had left the State.

Visited Cambridge to investigate a serious complaint against several parties in that city. In one case the registered man left immediately. At another of the stores the proprietor, formerly a saloon keeper, who has given the Board and citizens of Cambridge a great deal of annoyance by his illegal sales of liquor, was not to be found; but his registered man, upon talking over the nature of the complaint, said, "I will quit this place right away; I don't want to take the chances of losing my certificate of registration; I have talked enough to Mr. — already." This place has since been closed and will not be reopened. Of the other store investigated there seemed to be a great variety of opinions, some claiming the store is conducted lawfully, others charging unlawful sales of intoxicating liquor. I was unable to obtain any positive evidence of illegal sales. Called the attention of this place to the police, and requested special watching. My personal opinion is that an illegal business is being done, but very quietly.

Visited Brockton, charge having been made against a store run by a grocer that a registered man from an adjoining town came over on Saturday nights with his certificate of registration and stayed until Monday morning, thereby keeping this rum drug store open on Sunday. This place has since been raided by the police, and notice was given that if the certificate of registration should appear again the police were to seize it and notify us. As a rule, the Brockton drug stores seem to be properly conducted, although no licenses are granted.

Again made a general tour of inspection of the drug stores in Lowell, also in Lynn, as requested by the president at

the last meeting of the Board, for considering applications for liquor certificates, there being several in both cities where grave doubts were expressed as to their being proper persons. I found no occasion to change the ratings as previously submitted, all being approved by the officials.

Attended court at Salem on a case charging a druggist with maintaining a liquor nuisance, the place having been raided on the previous Sunday, as a keg of whiskey was seen taken into the place by one of the *attachés*. On entering the room over the store the keg was found with the head knocked in, the whiskey having been turned out on the roof; on going outside they found a pail full of whiskey under one of the eave spouts. The registered pharmacist was notified to appear before the Board, and, as the record at the office will show, his certificate of registration was suspended for twelve months.

In a case previously referred to at Lowell it was proved that ten gallons of hard liquor were on hand and hundreds of half-pint railroad flasks; only one prescription had been put up at this place since February 9 last.

Again visited East Boston, to investigate a complaint. The proprietor was away and action necessarily deferred.

Went to Gloucester; found one store had been raided by the police and closed up; the proprietor had opened a saloon in New Hampshire, and it was later learned that the police there had closed the place up. While in Gloucester investigated several of the stores where liquor certificates had been refused, and am sorry to say the reputations have not improved. One store had been closed. At another, where a certificate was granted to a recent registered pharmacist, learned that an improper business had been done, in consequence of which a liquor certificate was refused this year. Two other stores since the loss of the liquor business have apparently found it hard to maintain their financial condition, and doubtless will soon close, one having recently paid a fine of one hundred dollars.

Investigated complaint in Boston; proprietor not registered, complaint setting forth that the registered pharmacist was absent an unreasonable time, and during his absence the store was not in charge of a registered man; found that

the registered pharmacist had Saturday afternoons to himself, and that during his absence no prescriptions were put up. As the proprietor was not to be found, I left word that some different arrangements must be made at once by which the store would not be left without a registered man in attendance.

Again went to Salem, to serve notice upon parties to appear before your Board.

Attended police court in Lowell, with Secretary Butler, as witnesses; the case was continued to a later date. Secured additional evidence against another drug store in Lowell.

Visited Needham and inspected all drug stores in that town; no cause for complaint.

Went to East Boston and found the absent proprietor, and after thorough investigation of the complaint arrived at the conclusion that, while there were reasonable grounds for the complaint, it was evidently made from malice.

Visited Gardner, Orange, Athol and Fitchburg. Found one case, as reported, with very bad reputation and undoubtedly selling large quantity of liquor. In another case, where the reputation far and near is that more liquor is sold than at any other drug store in that vicinity, found that appearances indicated a truthfulness of the rumor; he had only registered eight sales of liquor since Jan. 1, 1895.

At Fitchburg found three stores, as reported, that ought to be closed up at once. The most notorious one, mentioned in my former report, had recently been raided.

Inspected the drug stores at Arlington; reported the conditions found there to the office, and await further instructions.

At the adjourned cases in the police court in Lowell the defendants severally pleaded guilty of keeping and exposing, and were fined seventy-five dollars each. One case was defaulted, the man having left the State, which resulted in closing up another drug store in Lowell.

April.

Visited Pittsfield, Lee, Sheffield, Great Barrington, Lenox, Stockbridge and West Stockbridge, making special and most thorough investigations. The results were peculiar, differing from those usually found in other sections of the State. I refrain from commenting other than as reported by card key. At my attendance at the office at a session lasting until midnight, when applications for liquor certificates were considered, you will recall the result of my recent investigation.

Was again instructed to visit Fall River and look after two important cases there; also to go to Worcester and make formal complaint against a druggist recently raided in that city and to investigate several applicants for liquor certificates of Salem.

By special request visited every drug store on Shawmut Avenue, Boston; have made a detailed report of my observations. I found sales of alcohol not registered; found one store without a registered clerk; one whose license had been revoked in 1894; another, proprietor unregistered, a painter by trade; another store was in charge of a so-called doctor, who was stupidly drunk, and no sales of liquor of any kind had been recorded since February 16. Another man had been convicted and fined within two years for violating the liquor law.

Again visited Worcester, for the purpose of making formal complaint to the Board against a party recently raided; learned that men were found in large numbers in the back room drinking lager beer, which was seized; at a later date another seizure was made on this same store and between eight and nine cases of lager beer and hard liquors found, the proprietor being out on bail, and, as this second case was too much for him, he had left for parts unknown; his bondsmen have been asked to produce the man or pay the bond. In the other case the man was fined one hundred dollars and sentenced to three months in the house of correction. In another case forty-one cases of lager beer were seized and the party convicted in the police court, fined and imprisoned.

Visited Fall River, Webster, Southbridge, Boston and Salem. Inspected the drug stores on Dorchester Avenue, Boston. The liquor books were very improperly kept in nearly every case; in one only three sales were recorded in March, one in April; another, no sales recorded for ten days. The proprietor of one store occupies another in South Boston. This case has given the Board much trouble on account of their persistency in obtaining a liquor certificate, but, as you well know, it has been refused for both stores.

Again visited Fall River, to investigate five cases, as demands had been made for a hearing upon the refusal of liquor certificates. Found one out of the five who had evidently made a most decided change, stating, "From this time out there shall never be any cause on my part for complaint to the Board of Pharmacy." In the other cases the object evidently is to obtain a certificate to sell liquor, regardless of the law, as at one place I found two persons drinking whiskey at the counter, and reported the fact to the police. It is the general opinion that the Fall River druggists are doing better as a whole.

Visited Worcester, Oxford, Webster and Southbridge. After a more thorough inspection and investigation, could not find any occasion to change my previous record.

Visited Haverhill and Bradford, as two days previous one drug store had been raided and the party convicted for violation of the liquor law; this place had previously been raided several times. The other cases, where applications had been made for liquor certificates, could not find occasion to change my previous record, and in one case learned that the proprietor had been prosecuted in another town and ran away.

Went to Charlestown and inspected every drug store on Bunker Hill and Elm streets; learned an unregistered man was in the habit of compounding prescriptions in the absence of the proprietor; that the wife of the proprietor, two years ago, was convicted of an illegal sale of liquor on Sunday; there was plenty of lager beer on hand; book badly kept.

Also visited Blue Hill Avenue, Boston; investigated every

drug store on said avenue ; also South Boston. At one store found a gang of young men sitting at a table wet with liquor ; record badly kept. At another store no record of liquor sales to be found, proprietor saying, " I burned up all my record books yesterday." At another store no record of liquor sales made for the last twenty-five days ; book badly kept otherwise. At another store, where the proprietor was convicted for violating the liquor law, only eight sales were recorded during the month of April.

Went to Clinton. Found it exceedingly difficult to distinguish any difference, by public or private investigation, of the stores in this town, all having evidently been selling very much more liquor than provided for in a sixth-class license ; but there is an apparent determination on the part of the officials that this state of things shall not continue.

Visited Westborough ; at one store, which has a bad reputation, found no registered man in charge, nor had there been one for months ; men were found lounging in the back room, and upon my entrance left at the back door after some hustling at the sink. I have no doubt but that quite a liquor business is carried on in this place, and would continue if no one interfered. As a result of my visit, it was closed with the understanding that if it was again opened without a registered man prosecution would follow. The store was locked up, and the chief of police promised to keep me posted in regard to the matter.

Went to Lynn and investigated cases where applications had been made for liquor certificates ; results of this investigation I have reported to the Board in detail.

Again visited Lynn, for the purpose of procuring from the clerk of the police court record of convictions of druggists in July, 1894, who were applicants also for liquor certificates before your Board.

Also went to Salem, to investigate the reputation of a firm who are proprietors or connected with five stores. The general impression seems to be that, license or no license, more or less liquor is sold by these parties at their several stores, which are looked upon with a great deal of suspicion.

Facts gathered in reference to applicants or appellants from your decision I have presented at the hearing when accorded.

Obtained from the police court in Lowell a copy of the conviction of a person previously refused a liquor certificate. Also visited his drug store and found an unusual amount of liquor on hand, and obstructions in every window to the view of the business transacted inside. Investigated a complaint against a party on — Street, to secure evidence for a hearing accorded by your Board. At another store found a registered man who had previously been employed in two rum drug stores; in one of the stores the police had seized forty-one cases of lager beer; at the store in Lowell the proprietor had just paid a fine of one hundred and fifty dollars. The certificate of registration giving life to this store has been suspended for twelve months.

May.

At special request, investigated ten places seeking liquor certificates in Boston and made report.

In Lowell secured evidence sufficient to close two stores, as reported.

Visited Salem and Boston; investigated charges made against five places. (See special report.)

Agreeable to specific orders, went to Williamsburg and West Warren; found strange and unusual conditions. (For particulars see special report in applicant's envelope.)

Four complaints received from Worcester from the office of the chief of police; was instructed by the president to investigate; three had not received liquor certificates, and shortly after my visit closed their doors.

Went to —, making most exhaustive investigation, and found, as it seemed to me, a very determined effort to have the applicant receive a liquor certificate. I could not learn of facts to warrant my reporting against the applicant, but as several upon whom I called preferred to write directly to the Board, I left four investigating circulars. As you know, when received the facts stated were so direct and positive that the certificate was refused.

Closed the duties of this month by a visit to Great Barrington, Pittsfield, Spencer, Littleton and Lowell, detailed reports of which you have on file.

June.

Received orders to investigate a complaint in the city of — for violation of the Sunday law in excessive sales of liquor. Upon visiting the place on the following Sunday, as instructed, I found eight illegal sales had been made that morning; the result in this case was the surrender of the liquor certificate and the revocation of the license.

Visited some of the suburbs of Boston, making special investigations as requested.

Went to Spencer; again visited the place referred to in my May report; found various kinds of liquors on hand and several loafers in the back room; reported to the proper authorities, notifying them, if successful in conviction, to report to the Board, when the certificate of registration would be revoked.

Went to Marlborough; found several places there demanding action of the Board. Complaints were made of three cases, action upon which is a matter of record at the office. A decided improvement over the former condition exists at the present time.

Again visited Worcester; conditions were such as to require formal complaint to be made against a so-called druggist whose certificate has recently been revoked altogether and the store closed.

Made formal complaint against two parties in Lowell; one certificate has been revoked altogether and the other suspended.

Again went to Worcester by request, in company with a police officer, inspecting several questionable drug stores; at one found the proprietor in such a condition that he was immediately arrested and locked up, being thoroughly intoxicated; learned that he has periodical drunks. Would suggest that some amendment be made to the pharmacy law, by which an habitual drunkard should be debarred from conducting the drug business.

Visited Haverhill, Lowell and Malden. Have made four formal complaints, which will receive your attention as soon as notices can be served on the parties complained of. Full report of particulars of the last visitation you have on file.

July.

Went to Spencer to investigate a complaint made against a person who had been prosecuted by the Law and Order League. Also went to Monchaug; made formal complaint under the Acts of 1893 to the Board in the Spencer case; notice to appear before your Board will be served if the superior court affirms the action of the police court. The other store was in bad shape, but I did not secure sufficient evidence.

Visited Randolph in response to instructions from the Board; complaint having been made to them against one pharmacy; found the proprietor was in Dedham jail; the man in charge was not registered, and every indication of liquor selling; the store was closed.

Went to Nantasket Beach to look after the proprietor (a Mr. —, who has given us much trouble), an unregistered man, who told the president of the Board he could afford to pay five hundred dollars for a license. I found a registered man in charge, Mr. —, of a decidedly bad record at the office. I notified the police authorities, giving them the persons' history; they promised watchful care and notice of any raid or prosecution.

Visited Turner's Falls, Greenfield, Holyoke and Westfield. My report in detail of this trip you have on file. At Holyoke the conditions existing were so flagrant that the attention of the license commission was called to the facts, and I was requested by them to be present at a hearing they would soon call. While on this trip learned of a violation in Amherst, but did not at this time investigate.

By special request went to Manchester-by-the-Sea; a new store is being opened, apparently for liquor sales mainly.

August.

Visited Fall River in company with liquor inspector; went to every drug store; since my last visit found seven had been closed, making a decided improvement in the conduct of the drug stores in that city. Many citizens remarked to me in this language, "The Board of Pharmacy have done good work in this city."

Went to New Bedford, made a general inspection; found two stores had been closed since my last visit. Found a new store opened by a quack doctor, not registered, and no registered man in charge. The proprietor was sick and his son in attendance at the store. I notified him that they must close at once or remove all drugs and medicines. At another store, where a liquor certificate had been refused but later granted through extraordinary influences brought to bear upon the Board, learned from outside sources that there was considerable lager beer sold on the premises; I made special investigation and found plenty of lager beer packed on the ice; upon calling the clerk's attention to the refrigerator and beer, he said, "It is put on the ice until it gets stale and then is thrown out." I suggested to him that if he was going to tell a lie he had better tell a reasonable one; he replied, "We sell it only on physicians' prescriptions." Then I examined his book and found no entry of lager beer upon it; to this he said, "We are not required to register sales of lager." At this point the proprietor entered and was asked for an explanation of the lager beer; he stated (not knowing what his clerk had previously told me), "We keep lager beer in this store for the clerk and myself to drink." I then suggested that if they were going to make a proper explanation it would be better to compare notes, so they could tell the same story.

Visited Holyoke; after making a thorough canvass of the city I reported to the license commission seven cases of gross violations of the sixth-class license; later they were summoned to appear before the Board, and at the request of the commission I was present. All admitted the charges made against them, and some admitted more than they were charged with. I have since learned that these seven violators of the law were severely reprimanded and given further trial.

Made a formal complaint against two parties in Lowell for illegal keeping and exposing intoxicating liquors for sale.

Visited Chelsea, investigating a special complaint. Found the store had been raided and that the party had removed his certificate of registration, seeking thereby to avoid connection with the store. The case will come up in the court

at Chelsea; found in this store a certificate of a former clerk, who, owing to intoxication, had left the State. As his certificate was a duplicate, and there being a question in my mind as to it having been obtained by fraud, I took possession thereof and brought it to the office. This case will require special attention.

Went to Lawrence; visited every drug store there; found two cases of gross neglect in recording sales; reported the same to the license commission and the licenses were revoked, but notice of revocation was withheld, waiting opinion of city solicitor, who gave a written opinion that the license commission could not revoke the license until after conviction in court. I was summoned to appear, and conviction in court followed. (See page 75.) Several of the stores that were refused certificates by the Board are evidently striving to improve their record. Found another store, where a liquor certificate had been granted, where the proprietor has the reputation of drinking somewhat freely and his books were not up to standard. Found a store that was previously raided had reopened without a registered pharmacist; the store was immediately closed. Found one party, conducting two stores, was away at the beach and no registered man in charge of either store. This man has been refused a liquor certificate by this Board.

Reported at the office and received further instructions from the president.

Investigated a drug store at Jamaica Plain; the manner and conditions of this store have previously been reported to the Board. They remain the same.

Went to Milford; visited every drug store; at one store found plenty of lager beer, and learned that the proprietor has the reputation of selling freely. At another store found they were selling lager beer without recording; the proprietor, on calling his attention to the matter, said, "I will quit selling lager beer." At another store found that not one legal sale of liquor had been recorded since May 27; sells lager beer for family use. Called the attention of the chairman of selectmen and liquor inspector to the above facts.

Went to Lynn; made a general tour of inspection. Found the drug stores in better condition than formerly. At one

store found a liquor dealer proprietor who also keeps a liquor store in the same building; reported the same to the police officers.

Investigated three complaints in Boston; found same conditions as reported in my former report.

Visited Worcester; found the applicant for liquor certificate had been connected with a store where the proprietor was convicted for keeping and exposing intoxicating liquor for sale; the applicant was also formerly connected with another disreputable drug store in the same city. The store was formerly run by Mr. —, who felt the necessity of leaving the State; has gone into the hands of two gentlemen who have greatly improved the appearance and reputation of the store. Also investigated complaint against Mr. —, and found that he was discharged for intoxication. In my interview with the chief of police he said, "The Board have done good work in Worcester and will do still better next year."

Visited Salem; druggists are selling very little liquor this year. Two stores that we have previously had trouble with have been closed, the proprietors having gone into the liquor business pure and simple.

Visited Gloucester; conditions are much improved. One store has been closed. Mr. —, who has been twice refused a liquor certificate, last year and the present, and made many grievous complaints regarding the terrible affliction from which he has been suffering owing to the refusal of a liquor certificate, most cordially invited me to go to his camp at 11 o'clock; as it was then 1 o'clock, and his invitation was couched on a line indicating too free use of some intoxicants, I was more than satisfied the action of the Board was perfectly correct.

Visited Northampton to investigate the general complaints that the druggists were selling lager beer as a beverage; am sorry to say that they were largely true. Before leaving, however, every druggist promised me he would quit the lager beer business and would not have it on the premises.

September.

Again inspected all the drug stores in Lowell. Found — on — Street evidently doing a large liquor business, but not registering many sales, recording only two for the month of June. July 4 more sales of liquor were registered than all the rest of the year put together during the license year thus far. After July 4 only two more sales were registered during the remainder of that month. In August only four sales were registered. This store has succeeded in getting a bad reputation.

Visited Cambridge; found one store owned by —, proprietor not registered and no registered man; store closed at once. Notice will be sent the Board if again opened.

Investigated, as directed, the case of poisoning of little Mary A. Tansey through the incompetency of an unregistered clerk at No. —, Boston; after securing the facts I conferred with the attorney general's assistant, who decided that the law was defective, and that the Board of Pharmacy could not take any action in the matter.

Visited Woburn, Winchester and Medford; apparently all right excepting Mr. — at Woburn, where Sunday sales are made.

Went to Clinton. Owing to the very effective work of the Board, the city marshal stated that not a single complaint had been made.

Went to Worcester to learn facts regarding cases in Spencer prosecuted by Law and Order League; the evidence was given by two spotters; all were acquitted, and under the law the complaints on file for suspension or revocation must fall.

Visited Haverhill, Lawrence, Merrimac, Amesbury and Newburyport; full details in my monthly report.

Went to Somerville; no special complaints had been made to the marshal, but found two cases which will require close watching and special care.

Again at Lawrence as witness in two cases of conviction for liquor nuisances in police court, which were appealed.

Was called to Bradford; found complaint was not sound, as the sales of liquor were not made at the drug store of —.

Visited Oakdale, West Brighton and Amherst ; full details in monthly report.

At Reading and Malden, Oak Grove, etc., one store, no registered man ; promised to correct at once. Another, Mr. —, is trying to sell out.

In Lowell, proprietor not registered, fined one hundred dollars ; assistant, fifty dollars ; appealed.

At Canton I found a very interesting case, and have given details in monthly report and believe good results will follow my visit.

Went to Brockton ; found an undertaker and machinist proprietors of a drug store, and had been for nearly two months without a registered man ; the store was closed at once. Another store of bad reputation will be closely watched by the police.

Went to Hyde Park and Quincy. No complaints other than carelessness in registering sales of alcohol.

Visited Fitchburg ; found two stores of very bad character ; full particulars in my monthly report. An ex-policeman was acting as adviser and signal flyer.

Went to New Bedford to investigate special complaint. The complaint was well founded ; full particulars of this and other cases are given in the detailed report. Two of these cases most emphatically prove that statements and efforts made by friends of the applicant often mislead and cover facts, causing some bad errors in granting liquor certificates.

RECAPITULATION.

Number of visits to cities and towns,	271
Number of drug stores inspected,	1,484
Number of criminal complaints made to local authorities,	44
Number of druggists complained of and convicted,	41
Amount of fines imposed,	\$3,925
Number in prison,	11
Number of months served,	33
Number of licenses revoked,	13
Number of complaints investigated,	262
Number of drug stores closed,	103
Number of formal complaints made to the Board,	31

In conclusion, I wish to bear testimony to the diligent, honest and unflinching endeavors put forth by your honor-

able Board during the year just closed in the discharge of the duties connected with your office, which oftentimes became intricate and unpleasant to perform, but have been met and decided with no other motive in view than, as the servants of the people, that justice should be done without regard to politics, religion, race or color, rich or poor, "public good," "proper person" and qualification always receiving recognition, everything else being rejected, regardless of consequences.

To the police departments throughout the Commonwealth, who have joined hands with us and rendered valuable service in the enforcement of the pharmacy laws, I herewith extend my hearty and sincere thanks.

To the large majority of druggists in Massachusetts who have aided us by counsel and otherwise assisted us in the execution of the law I feel greatly indebted, feeling assured that where "there is union there is strength;" that during the past year pharmacy has taken a higher and more honorable position, and in due time the business will be freed from the elements which have heretofore disgraced an honorable profession.

Respectfully submitted,

S. B. HARRIS.

ELEVENTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION IN PHARMACY

FOR THE YEAR 1896.

BOSTON:
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.

1897.

d.

Commonwealth of Massachusetts.

REPORT.

Boston, Oct. 1, 1896.

To the Honorable ROGER WOLCOTT,
Acting Governor of the Commonwealth.

SIR:—In submitting to your Honor this, the eleventh annual report, from the Board of Registration in Pharmacy, we present briefly such facts and data as will exhibit the work of the Board. If fuller details are desired they will be furnished from the records of the office.

The efforts made by the Board in 1895 to carry out the intent and purpose of the law of 1894, relating to the granting of liquor certificates to druggists, the suggestions and requests in our last report for such changes in the law as would make the intent and purpose more definite and effective, caused much discussion by the press and the Legislature from January to May, 1896. In view of the very general depression of business, the misunderstanding and at times malicious misrepresentation of the efforts of the Board were most unfortunate, and may prove in their results a loss rather than a gain to reputable pharmacy. While there has been progress in the educational and skilful conduct of drug stores as a class, and every city and many towns have what may be considered a strictly reputable and absolutely reliable pharmacy, there are also many so-called drug stores that are unreliable, hazardous, a source of much that is evil, demoralizing, and a menace in any community. Many stores of this class were, and some are now, owned and controlled by ex-saloon keepers and others who employ a registered pharmacist who has an interest on paper only, or at best a nominal investment, thereby largely increasing the number of drug stores beyond any legitimate demand, and in too many cases forcing a resort to illegitimate pharmacy.

The sale of domestic and proprietary medicines, harmless, useless and poisonous, by grocers, dry goods, fancy goods, department and other stores, is also a hindrance, as they are allowed to dispose of their goods, poisonous and otherwise, without the restraint imposed upon a registered pharmacist. These conditions are formidable and serious and prevent the progress of reliable pharmacy and the protection of the public. The dispensing of drugs, medicines, chemicals, pharmaceutical preparations and very many of the so-called domestic remedies, outside of drug stores, simply and heedlessly as they would sell a paper of pins or a roll of tape, may be a convenience, but is of necessity a hazard to the people, a wrong to the educated pharmacist, a fraud upon honorable responsible and protecting lines of public service, and oftentimes a serious injury as well as a loss of time and money to the unsuspecting purchaser, who is led to believe a pill is a pill, a medicine of any kind is the best of its kind and exactly what is required. If it were possible to confine the sale of drugs, medicines, chemicals and poisons entirely to the registered pharmacist, as in some countries and several of the States, prohibiting the peddling from house to house and the indiscriminate vending of the worse than useless nostrums, a great public good would be accomplished, and progress in pharmacy would rapidly assume a higher plane of safety and service. During the past ten years there have been such changes in the art of manufacturing and dispensing, in methods of administration of medicines and in surgical appliances, that the reputable family drug store is required to carry a much larger and more varied stock than ever before. To meet the demands for the many new and constantly increasing developments of science and pharmacy requires closer attention and a much higher grade of pharmaceutical intelligence and skill, that errors may be avoided by the detection and rejection of remedies made worthless by time, exposure or chemical change, involving a larger investment, very much smaller margins and a greatly increased expense account.

During the year closing Oct. 1, 1896, 42 meetings of the Board have been held, for the examination of 575 applicants for certificates of registration in pharmacy, as follows : —

EXAMINATIONS.

					Examined.	Registered.	Refused.
1895.							
Oct.	1-3,	.	.	.	36	3	33
Nov.	12-14,	.	.	.	44	8	36
1896.							
Jan.	7-9,	.	.	.	41	11	30
Jan.	21-23,	.	.	.	39	5	34
Feb.	12-14,	.	.	.	41	14	27
March	3-5,	.	.	.	41	10	31
March	17-19,	.	.	.	41	6	35
March 31, April 1, 2,	.	.	.	.	46	10	36
April	14-16,	.	.	.	45	8	37
May	5-7,	.	.	.	42	8	34
May	26-28,	.	.	.	40	5	35
June	9-11,	.	.	.	40	7	33
June	23-25,	.	.	.	46	13	33
Sept.	8-10,	.	.	.	33	2	31
Totals,					575	110	465

During the year, of the 110 who received certificates, —

18 passed on the 1st examination.

10	"	"	2d	"
28	"	"	3d	"
22	"	"	4th	"
12	"	"	5th	"
6	"	"	6th	"
3	"	"	7th	"
3	"	"	8th	"
1	"	"	9th	"
1	"	"	10th	"
2	"	"	11th	"
2	"	"	13th	"
2	"	"	14th	"

As exhibiting the reason of so few passing the Board, we present the age and rating of 5 applicants. We require 200 out of a possible 300 : —

1. Age, 23; oral, 40; written, 23 ; drugs, 45; total, 108.
2. " 37; " 40; " 42½; " 25; " 107½.
3. " 35; " 40; " 36 ; " 40; " 116.
4. " 35; " 00; " 16½; " 15; " 31½.
5. " 20; " 40; " 32 ; " 15; " 87.

As compared with the above, we give a rating made at this same examination, —

Oral, 70; written, 78; drugs, 80; total, 228,

plainly showing how many, totally unprepared, would, if permitted, open drug stores.

That pharmacy is still considered by many applicants for registration simply a business of buying and selling drugs, attended by no personal obligation or hazard, requiring little if any study or practical experience, is clearly shown by the following answers, made to simple questions, which are given verbatim: —

“Blue Mass is made with conserve of roses and mild chloride of mercury.”

“Hydrarg. cum Cretae is mild chloride of mercury and chalk,” and not until the applicant was shown the United States Pharmacopœia would he admit his error.

“The official drug obtained from the hog is lard, and is done by heating the abdomen.”

“Cocaine is from the same tree we get Ol. Theobroma from.”

“Lactic acid is from lemons and limes.” Reflecting a moment, said, “I think it is an animal acid; don’t know what animal.”

One applicant, twenty-four years old, claiming four and one-half years of experience, received a rating of $58\frac{1}{2}$ out of a possible 300, calling aromatic spirits of ammonia “hair oil,” and Dover’s powder “pipe clay.”

“Ejusdem means infusion.”

“Camphor gum is obtained by distilling the oil which runs from the camphor tree,” and “opium by distilling poppy heads.”

“Cocaine, cocoa butter and cocoanut oil, all come from the seed of the same plant.”

“Oleic acid is something from the animal kingdom.” Could not explain the difference between analysis and synthesis.

“Jalap is an oleo resin.”

“Forty per cent. of ipecac in Dovers powder.”

“Twenty to thirty per cent. of quinine in cinchona bark.”

“Picra is used in coffee.” “Thirty per cent. of opium in laudanum.”

“To get one grain of opium, give fifteen drops or twenty minims of laudanum.” “Aloes are a gum and can be picked from trees.” This man had been engaged by a saloon keeper to open a drug store if he passed the Board and got a certificate.

“Spermaceti, white wax and parafine come from petrolatum.” Could not tell the source of yellow wax.

“Galls are a fruit like nuts.”

“Forty drops of alcohol in a fluid drachm.”

“Sudorifics sooth the parts applied to.”

“Croton oil is a volatile oil by destructive distillation.”

“Galla is obtained from galls by distillation.”

“One drachm of paregoric contains one grain of opium.”

“Petrolatum is drawn from wells like water, with buckets.”

“Bi means half; proto, six times as much as bi; sub means half.”

“Nut galls are argols, a fruit from plants; both the same thing and from the same tree.”

“Sulphur lotum is made by action of iodine on sulphur.”

“Aloes are from the seed of a plant.” This candidate had not the slightest knowledge of mathematics, it being utterly impossible for him to figure the strength of any preparation.

“Nut galls are a secretion from some animal, don’t know what animal.”

One who had been before the Board ten times, and had not obtained a certificate, writes, as the difference between sugar of lead, white lead and litharge: “Sugar of lead comes in crystals and is used in pharmacy; white lead is used more to paint your house and barn with; litharge is a by product obtained in the manufacture of soap and glycerine.”

“Pro in pharmacy means fourth combination.”

“A soporific is anything that will make soap.”

Financial Statement.

Oct. 1, 1895, amount in hands of State Treasurer, . . .	\$230 15
Received during the year from applications, . . .	\$2,081 00
Received during the year from duplicate certificates, . . .	6 00
	<hr/> 2,087 00
Total for the year,	\$2,317 15

Drafts for the year have been made as follows:—

	Services.	Expenses.	
H. M. Whitney,	\$187 50	\$97 91	
F. H. Butler, secretary,	557 50	210 50	
John Larrabee,	205 00	43 81	
A. K. Tilden,	62 50	4 00	
John A. Rice,	195 00	230 36	
	<hr/> \$1,207 50	<hr/> \$586 58	
		<hr/> \$1,794 08	
Vox Populi Press, printing questions, . . .	\$12 75		
Dunton & Potter, printing questions, . . .	8 00		
J. L. Fairbanks & Co., stamped envelopes, etc.,		27 80	
M. P. Bihler, monitor and clerical work, . .		111 00	
F. H. Butler & Co.,		31 33	
C. F. Hatch, rolls for certificates, . . .		2 00	
Wright & Potter Printing Company, stamped envelopes and printing, . . .		20 52	
		<hr/> 213 40	
Balance,		309 67	
		<hr/> \$2,317 15	
Cash in hands of State Treasurer,			\$309 67

Liabilities.

Examinations not made,	\$246 00
Engrossing certificates (estimated),	10 00
	<hr/> 256 00
Leaving a balance of	\$53 67

DEPARTMENT FOR ENFORCING THE PHARMACY LAW.

The administration of this branch of our work during the year has been extremely difficult, requiring thorough and careful investigation, as the complainants in several instances were reputable and law-abiding pharmacists of long experience, having at large expense themselves complied with the law by employing one or more registered assistants, who were forced to compete with new stores conducted with only

one registered pharmacist, and that one absent too long a time and too often. In many complaints of this character it was found the store complained of was opened with the full purpose of doing a liquor business, and the failure to obtain a liquor certificate, or, if obtained, the comparatively small amount of liquor that can be legally sold, induced a general neglect of the business and consequent lack of personal attention also required by law.

By persistent efforts it is hoped this class of drug stores will in time be closed; but the difficulties named on page 13 of our tenth annual report, and which we tried to have corrected by the proposed legislation, still exist, and until corrected will prevent rapid progress.

During the year twenty-two formal complaints have been made by our agent for the action of the Board, thirty-eight complaints in writing have been received and many verbal complaints have been made at the office, most of which were of sufficient importance to investigate. In the summary of the agent's report will be found several cases of interest, to which special attention is called.

In connection with this department of our work (enforcing the pharmacy law) fifteen special meetings have been held by the full Board, and four certificates of registration in pharmacy revoked altogether; two were suspended for six months each, one for nine months, one for twelve months and one placed on file with reprimand.

In one of the above cases of revocation action was delayed for sixty days by special request, as it was claimed the imprisonment of ninety days had been of such corrective influence and service that reformation was absolute and the man could be saved; but the habit of selling and drinking was too strong, and the Board were forced to apply the full penalty of absolute revocation.

We have remaining on file, awaiting developments, the following cases:—

A man and his wife, both registered as required under the law of 1885. At their trial in the police court they both promised their certificates of registration in pharmacy should not be used again, and the cases were placed on file. They refused to give up the certificates.

Two cases that were fined one hundred dollars each in the lower court, but failed of conviction in the superior court.

One case that failed of conviction in the lower court.

One case where the defendant pleaded guilty to the charge, but, owing to a technical point of law, was discharged.

One case where the defendant has left the State.

One case depending upon the conviction of above.

Five cases awaiting action of courts and the Board.

Financial Statement from Oct. 1, 1895, to Oct. 1, 1896.

Services of the Board, including daily attendance and records of the office,	\$460 00
Expenses of the Board,	124 03
Special duties of the president,	150 00
Miscellaneous,	33 33
Clerical and stenographic services,	164 00
S. B. Harris, agent, services, \$560, expense, \$333.30,	893 30
Total,	<u>\$1,824 66</u>
Vouchers in detail at Auditor's office.	

LIQUOR CERTIFICATE DEPARTMENT.

The law requires the Board to issue a certificate by which a registered pharmacist may obtain a sixth-class license, provided the Board can say he is a proper person and the public good will be promoted. In some cases where the liquor certificate has been granted and a license to sell intoxicating liquor secured gross and flagrant violations of the law followed. To secure a conviction in court for such offences is not a part of our work, and we appreciate fully the difficulties under which local officials labor in securing such evidence as will convict. To meet this condition it was proposed last year that the Board should have authority, after an investigation and proper hearing, to revoke the liquor certificate, which would also revoke the sixth-class license, and in this way enforce a rigid observance of the provisions of the license. It was not proposed nor suggested that the revoking of the liquor certificate should affect the certificate of registration as a pharmacist, but it was made to appear that such was the purpose of the Board. It was also represented that re-registration once in two years meant re-examination, when, in fact, it meant simply a *renewal* of certificates; and the advantages of a biennial renewal must be apparent to all who have any interest in the progress of pharmacy.

That the Board was established for the elevation and protection of reputable pharmacy, the protection of the people from incompetent and reckless dispensers, and that such has been the purpose and effort of the Board, are recognized facts.

In response to the popular demand of the people, that some of the most disturbing conditions which have brought discredit to the pharmacist, a detriment to the cause of temperance and morals, should be corrected, power was given the Board to enforce the pharmacy law and to have also a limited control of the liquor selling in drug stores. The Board are in no sense seeking police duties ; but if, in addition to the original work placed upon them, the Legislature year by year adds to their duties, and if they are expected to regulate and control the sale of intoxicating liquor in drug stores, is it not wise that the laws should be made more effective? We have reason to believe that in some instances, where we have refused the desired certificate, liquor is sold, sometimes with great care and judgment, sometimes without care and in direct violation of law. This condition exists in some localities where no sixth-class licenses are granted, the officials evidently preferring to take the chances of *no* license rather than refuse one or more of a doubtful character or reputation. In such localities there can always be found those who feel they will be protected by the officials, as they use great care and discretion and are willing to take the chances, others who are not willing to take any chances, and still others who strive to make sales enough to cover the risk. In several no-license places, where these conditions exist, we have had many serious complaints, and it is almost impossible to correct the evil, as we are made to appear as antagonizing the officials if we take any action.

Liquor Certificates to Druggists.

Applications received from Oct. 1, 1895, to Dec. 1, 1895, to expire May 1, 1896,	43
Applications received from Jan. 1, 1896, to Feb. 28, 1896, to expire May 1, 1896,	19
	<hr/>
Granted,	44
Refused,	18
	62

Applications received from March 1, 1896, to Oct. 1, 1896, to expire May 1, 1897,	1,158
Granted,	1,020
Refused,	138
Total number of applications for the year,	1,220
Total number of certificates granted,	1,064
Total number of certificates refused,	156

Since our last report a complete canvass of the city of Boston has been made and every drug store visited by our agent. A similar canvass is now being made by him of all the towns and cities of the Commonwealth.

During the year we refused about one hundred or more applications for certificates to persons who had failed to comply with the law in making legal entry and proper record of sales; but, upon receiving a written promise for the future that all sales should be recorded and a strict conformity to the law maintained, nearly all were granted certificates.

From such data as the Board have been able to gather, the sale of intoxicating liquors in the drug stores of the Commonwealth has during the past year been reduced not less than two-thirds, as an average, and in some localities a greater reduction has been made. The work has been attended with some friction and open hostility, but we know our efforts have met with the hearty approval of reputable pharmacists and the endorsement of the law-abiding people of the State.

Fifty sessions of the Board have been held for the purpose of passing upon applications, and impartial hearings have been given in every case where the justice of a refusal has been questioned. In several cases where the reputation of the drug store has been notoriously bad, and in others where the opening of a new store indicated a probable liquor business, we have required some assurance, either by delay in granting, that a record might be made, or satisfied by facts, that our action in certifying to "proper person and public good" had some data to stand upon.

In one city, if not more, where the officials, it is claimed, do not enforce or even make an attempt to check the violation of law in the sale of liquor by druggists, individuals or

an organized body have employed detectives or spotters from outside the State, and sworn testimony has been given of a most reckless and demoralizing condition.

Earnest appeals are made to the Board for aid and assistance in work of this kind, and the statements of facts are so strongly and forcibly presented that we are compelled to admit the probable validity of the charges; but we have never felt that it was, under the law, our duty to attempt detective or special police work, and certainly we have no such desire. We must admit, however, that there are existing conditions in several cities and towns where, by the abuse of the sixth-class license, the sale of intoxicating liquor is such an injury to the public that any proper means would be justifiable in an effort to stop it. Reputable, law-abiding pharmacists are suffering seriously by the acts and conduct of such stores, and progress in pharmacy under such conditions can hardly be expected. Can relief be given?

Financial Statement from Oct. 1, 1895, to Oct. 1, 1896.

Services of the Board, including daily attendance and records of the office,		\$1,565 00
Special duties of the president,		600 00
Expenses of the Board,		436 24
Miscellaneous,		182 27
Clerical and stenographic,		480 00
S. B. Harris, agent, services, \$742 50, expenses, \$486.59, . . .		1,229 09
Total,		<u>\$4,492 60</u>
Vouchers in detail at Auditor's office.		
Received for liquor certificates,		\$1,262 00
Returned to rejected applicants,		\$198 00
Paid to State Treasurer,		1,064 00
Total,		<u>\$1,262 00</u>

CONCLUSION.

In no way can a clearer and more definite statement or illustration be presented of our work and its results than will be found by a review of our several annual reports.

The examination department, for which the Board was originally established, has never been an expense to the State, but has been conducted by personal sacrifice of each

member, his bills being made, not for full time of services rendered, but to come within the fees received after paying all other expenses, such as printing, postage, etc. The secretary of the Board, in the performance of his duties, is obliged to give many days' service in correspondence, records and preparation for this department, in addition to the days of examination.

The enforcement of the pharmacy law, the granting of liquor certificates and the administration of the poison law have been placed under the special supervision of the Board. To keep an accurate rating of about two thousand drug stores, to investigate all complaints, prepare and arrange all the applications for the liquor certificates (which, on account of changes, come in every week during the year), the general charge of all duties excepting the examinations, require daily attendance at the office, and have been made the duty of the president of the Board.

It is again suggested that the several departments of our work, the granting of certificates for registration in pharmacy, enforcing the pharmacy and poison laws and the granting of liquor certificates, be merged in one account, and an annual appropriation be made, covering all.

If these varied duties are to continue, the work should be well done, and with the appropriations as now made it is an impossibility. More prompt and rigid investigation should be made, by the permanent employment of an agent whose whole time should be given to the work. The members of the Board should receive such just compensation as the duties and responsibilities demand, and devote as much time in an exhaustive investigation as may be required.

Respectfully submitted,

H. M. WHITNEY.
F. H. BUTLER.
A. K. TILDEN.
JOHN LARRABEE.
JOHN A. RICE.

AGENT'S REPORT.

Boston, Oct. 1, 1896.

To the Board of Registration in Pharmacy.

GENTLEMEN:—In presenting to you my annual report, it seems that a lengthy account of the work performed under your orders is unnecessary, as monthly reports have been made to you, giving all the important details during the past year.

The work performed under instructions of the Board has taken me to every portion of the Commonwealth and to some cities and towns several times, so that I have had an opportunity to observe whether our labor has been in vain or some good has resulted, and I am happy to state that a marked improvement has been made in the right direction. During this year not so many complaints have been made of criminal violation of the pharmacy law as were made during the year 1895, nor as many complaints to the Board during the year just closed as were made the year previous. A comparison of the statistics of 1895 with the statistics of 1896 bears out this statement; and, as the impostor and bogus druggist are driven out of the pharmacy business, so will the profession take a higher standing in the community. In several instances violations of the pharmacy law have been corrected by simply calling them to the attention of the druggist, who rectified them at once. This has always been more desirable than to resort to prosecutions, which have only followed in cases of flagrant violations, where forbearance had ceased to be a virtue. One thing has become apparent, — the back room is no longer a loafing place for those who have not quite the courage to stand up to a bar and “take it straight.” Another noticeable feature is that the quantity of spirituous liquor bought at wholesale has greatly dimin-

ished, and the legitimate pharmacist sees respectability returning. But there is work to be performed on the part of the druggists of Massachusetts in order that the ideal standard may be obtained; and by their co-operation with the Board of Pharmacy, assisted by the local authorities, their expectations will be realized.

I might state the work accomplished, giving particulars of various prosecutions, time taken up in attending court, etc.; but the details have all been laid before you, the results are set forth in the recapitulation, and results are of more interest to the public and ourselves than much writing or speaking.

Many stories might be told of the various ways and means taken to evade the law by those who have no conception of legitimate pharmacy, — of grocers, stable keepers, saloon keepers, milkmen and others who heretofore embarked in the drug business without any pharmaceutical qualifications whatever. But the charms for them are gradually disappearing, and drug stores operated in Massachusetts without being under the supervision of registered pharmacists have become a thing of the past.

In order to give the public and pharmacists an idea of the qualifications of some pretended druggists, who only serve to degrade the profession, having opened so-called drug stores prior to the enactment of the law of 1893, which made it a criminal offence to expose drugs, medicines, chemicals and poisons without being under the supervision of a registered pharmacist, and who by various devices have tried to maintain the same without conforming to the law, until by repeated prosecution they were forced to abandon the business, the following may be interesting.

In the city of —, a man by the name of — first made his appearance in the police court charged with having in his possession milk not up to the standard. He was a milkman. Presently he opened a drug store and commenced business. Complaints came to the police department and to the Board of Pharmacy, setting forth that this store was a rum shop; prosecutions followed; charges of violating the liquor law were preferred. Upon inspecting the premises, the agent found displayed a certificate of registration belonging to a registered pharmacist who owned and supervised a drug store

located in another town. A criminal complaint was made against Mr. —, charging him with unlawfully keeping and exposing for sale drugs, medicines, etc., and he was arrested. In the mean time a formal complaint was made to the Board of Pharmacy against the owner of the certificate of registration. He was summoned before the Board and dealt with accordingly; but the former milkman kept his store open without any registered person connected therewith, and claimed the right to do so by displaying a placard, printed in large type, “*No drugs or medicine sold here.*” However, this attempt at evasion of the law did not protect the offender. The officers of the law still had an eye on his place. Another prosecution followed, and a short time ago the milkman gave up the pharmacy business, which had become very uncongenial, and embarked in horse trading.

Perhaps it would not be amiss to narrate the experiences of one or two so-called druggists, giving a report of the manner in which they have conducted their business, together with their records and the sudden termination of their careers. Names and places are omitted, but all statements made may be verified by the records at the office of the Board of Registration in Pharmacy.

In January, 1896, a variety show was billed to give performances in the town of — for one week. Upon the opening night the manager, in company with one of the *attachés*, started for the hall. On the way the manager stepped into the drug store of Mr. — to leave some hand bills. As the manager was leaving the store the druggist said, “Won’t you have something to take?” The reply was, “I am not drinking now.” But the druggist said, “I have something here that won’t hurt you; have some.” Thereupon a hot drink was prepared for the manager, who drank the beverage. When the curtain arose the manager had not arrived. He, however, appeared later upon the scene of action, but his condition was such that a quarrel ensued, the outcome of which was sufficient to disband the organization. The manager drifted back to the drug store and disappeared from view until about eleven o’clock the following forenoon. After appearing for a short time at the hotel where the troupe had engaged rooms, he vanished again within the alluring precincts of the drug store, and

nothing was heard of him until about midnight, when a boy messenger from the store called upon the landlady of the hotel, informing her that "The man who belongs to that troupe is unconscious in the back room of our drug store, and we cannot arouse him." The landlady put on her outside garments and hastened to Mr. —, who is clerk of the district court, and informed him in regard to the matter. The clerk immediately hunted up the police officers, giving them the information, and they repaired at once to the drug store in question. Upon meeting the druggist the inquiry was made, "Is Mr. — here in your store?" "No," was the reply; "I requested Mr. — and Mr. — to take him to the hotel, and they have done so." Upon the officers inquiring at the hotel, they learned that the manager had not appeared. The officers thereupon interviewed the two men referred to, who replied, "We know nothing about the affair," and accompanied the officers in their search for the man in question. While the officers were on this wild-goose chase, the manager was removed from the back room and laid upon a snow bank upon the side hill at the rear of the store, the man who assisted telling his wife, on reaching home, what they had done. His wife, who immediately realized the situation, replied to her husband, "Why, that man will be frozen to death before morning. If you don't report this case to the police officers, I will." Thereupon her husband told the facts to the officers, who, on arriving at the place where the manager had been left, found that he had disappeared, but traces in the snow plainly indicated that he had been dragged to a building in process of construction, with no doors or windows, and deposited upon the floor, where he was found unconscious, with life nearly extinct. He was taken to the hotel, a physician was summoned, and it took the remainder of the night to restore him to consciousness, and two weeks elapsed before he was able to leave town.

This case was thoroughly investigated, and a formal complaint was made to the Board by their agent, together with the record of the druggist in question, which is as follows: His first appearance in court was on Nov. 9, 1886, charged with the illegal keeping and exposing for sale of intoxicating liquors. He pleaded guilty, and paid a fine of fifty dollars.

On Nov. 15, 1895, he appeared before the court charged with assault and battery, pleaded guilty, and paid a fine of forty dollars. On Nov. 22, 1895, he appeared before the court charged with keeping and maintaining a common liquor nuisance, pleaded guilty, and paid a fine of one hundred dollars. On Feb. 25, 1896, he appeared before the court charged a second time with keeping and maintaining a common liquor nuisance, and received a sentence of four months' imprisonment and a fine of one hundred and twenty-five dollars. After his discharge from prison, on June 26, 1896, he was summoned to appear before the Board of Registration in Pharmacy, to show cause why his certificate of registration in pharmacy should not be suspended or revoked altogether; and after hearing all the facts, the Board revoked the same altogether, thereby relieving the community of another drug store in name but in reality a rum shop in disguise.

Another so-called druggist, by the name of —, lived in the city of —. He was formerly a man of good address and appearance and had many friends, but of late years he had become a victim of intemperance, and for days at a time was intoxicated at his place of business. Next he took to gambling, and finally his drug store became a liquor nuisance. Complaints came to the Board, as you well know, setting forth that this man was intoxicated at his store, and the question was asked, "Cannot the Board revoke his certificate of registration? He is incapable of dealing in poisonous medicines in his present condition." But the Board had to reply to the complainants, "There is no law whereby the Board of Pharmacy can suspend or revoke a certificate of registration in pharmacy for drunkenness." And so the matter went on. One day the deputy chief of police of this city, in company with your agent, visited this store, only to find the druggist in question intoxicated to such an extent that he assaulted the officer, and it became necessary to arrest him. After his release from custody the place was raided several times, conviction followed, and finally he was convicted in the superior court and sentenced to three months in the county jail and a fine of one hundred dollars. Formal complaint was made to the Board, as the records show; and on May 11, 1896, his sentence having expired, he was summoned to appear before the Board of Registration in Pharmacy, to

show cause why his certificate of registration in pharmacy should not be suspended or revoked. He appeared before the Board, represented by able counsel, and pleaded guilty to the several charges; but the counsel asked a continuance of the case for sixty days, to see if the defendant would not be able to conquer his cravings for strong drink. He could not, however, resist the temptation, and returned to his habits of intemperance. Therefore, at the expiration of the sixty days, the Board revoked his certificate altogether.

Recapitulation.

Number of visits to cities and towns,	327
Number of drug stores inspected,	1,733
Number of criminal complaints made to local authorities,	33
Number of druggists prosecuted and convicted,	29
Amount of fines imposed,	\$2,850
Number committed to prison,	8
Number of months served,	28
Number of complaints made to the Board and investigated,	170
Number of formal complaints made to the Board,	22
Number of drug stores closed,	60
Number of drug stores found doing business without any registered person connected with the same,	12

During the year just closed, visits have been made to nearly every drug store in the State, and with few exceptions I have had the pleasure of meeting the proprietors, thereby becoming better acquainted with them; and for their assistance and courteous treatment I herewith extend my gratitude.

To the officers of the law who have assisted the Board in the enforcement of the pharmacy laws, with many of whom I am personally acquainted, I desire to extend my thanks and kind appreciation of their services.

In conclusion, I wish to testify to the honest efforts put forth by the Board of Pharmacy to correct the abuses, and the endeavors made by them to elevate the business of pharmacy throughout the Commonwealth.

Respectfully submitted,

SIMON B. HARRIS.

TWELFTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION = IN PHARMACY

FOR THE YEAR 1897.

BOSTON :

WRIGHT & POTTER PRINTING CO., STATE PRINTERS,

18 POST OFFICE SQUARE.

1898.

W.

Commonwealth of Massachusetts.

REPORT.

Boston, Mass., Oct. 1, 1897.

To the Honorable ROGER WOLCOTT, *Governor of the Commonwealth.*

SIR: — As required by section four of the pharmacy act, we submit to Your Excellency our twelfth annual report for the year Oct. 1, 1896, to Oct. 1, 1897.

The condition of pharmacy to-day, in its commercial and financial aspects, continues to be environed with difficulties, as stated in our last report. The professional, educational and moral conditions have improved.

During the year forty-one days have been given to examinations, as follows: —

EXAMINATIONS.

					Examined.	Registered.	Refused.
1896.							
Oct.	6-8,	.	.	.	40	7	33
Nov.	17-19,	.	.	.	42	8	34
1897.							
Jan.	5-7,	.	.	.	38	1	37
Feb.	2-4,	.	.	.	44	11	33
Feb.	22-24,	.	.	.	33	5	28
March	2-4,	.	.	.	38	6	32
April	6, 8,	.	.	.	27	2	25
April	20-22,	.	.	.	45	7	38
May	4-6,	.	.	.	40	4	36
May	18-20,	.	.	.	41	7	34
June	1-3,	.	.	.	39	6	33
June	22-24,	.	.	.	49	11	38
Sept.	7 9,	.	.	.	29	—	29
Sept.	21-23,	.	.	.	35	4	31
Totals,					540	79	461

The examinations consist of an oral, written and identification of drugs, simples and compounds. Up to the present time the percentage required to pass the Board has been 67 in each department. In many of the States it has been 75 per cent. Thus far we have felt it wiser to increase the standard of examination rather than the percentage, and the standard is only increased in the ratio of the general advance in all matters pertaining to the practice of pharmacy.

Of the 79 certificates of registration granted this year, —

14 passed on	1st examination.	2 passed on	7th examination.
19	“ 2d “	2	“ 8th “
7	“ 3d “	2	“ 10th “
17	“ 4th “	2	“ 11th “
7	“ 5th “	1	“ 12th “
5	“ 6th “	1	“ 18th “

The percentage of successful applicants may appear small, and the following answers to questions asked are quoted and submitted as good and sufficient reasons for refusing registration to many applicants: —

“ Boric acid is made by sublimating borax.”

“ Proto iodide and deuto iodide are the same.”

“ Deuto iodide is corrosive sublimate. Proto iodide is calomel.”

“ Pyro means a higher salt; hypo is a higher salt.”

“ Maximum dose of codia is $\frac{1}{60}$ to $\frac{1}{30}$.”

“ Ordinary dose of morphine is one grain.”

“ Proto chloride of mercury is yellow oxide.”

“ Per chloride of mercury, proxylinum, glonoin, ratsbane, etc., — don't know.”

“ Elixir vitriol is sulphuric acid.”

“ Thorn apple is nut galls.”

“ The important article in Hoffman's Anodyne is morphine.”

“ Source of manna is meat scraps boiled down and let get cold.”

“ Petrolatum comes from the manufacture of turpentine.”

“ Glonoin is the yolk of egg.”

“ Dose of opium is 15 grains, and in 20 minims of laudanum there are 10 grains of opium.”

“Cod liver oil comes from the whale and sweet oil from the hog.”

“Hirudo means a large pill or suppository.”

“Dimidius means an emetic.”

“Pyrogalic acid is the ashes of galls.”

“Nut galls are a fruit growing on the leaves of any oak tree.” [Could not tell what he would dispense for sub. muriate or sub. chlo. of mercury. For per chloride of mercury would give yellow iodide.]

“Hyd. Sub. Mur., Proto Chlo. and Bi Chlo. are all calomel. The difference between Sulph. Quin. and Bi Sulph. is that the sulphate is twice as strong of cinchona. Borax and boric acid are the same, both are white. One may be a little smoother than the other.” [This man's rating was 17 out of a possible 300.]

“Hiera picra is a crumb of bread.”

“Aloes are obtained by cutting down the trees and pruning them.”

“Soporific is a blister.”

“Aloes are the inside fruit of a nut.”

One applicant said, “Proto means stronger,” and out of ten questions asked, not one was correctly answered.

A candidate came up for the eleventh time in January of this year. He could not tell the meaning of translucent, sudorific, soporific, and insisted that the prefixes per and proto were the same. His written examination was 31.

An applicant who had been refused six times says on his seventh examination, “Ejusdem means, let him take;” correcting himself, said, “It means a rectal injection.”

In March, two applicants, one now a proprietor of seventeen years' experience and his clerk of thirteen years' experience, in States near by, came up for examination, intending to locate in Massachusetts if successful. Out of a possible 300, the proprietor received 114 and the clerk 104. [This record is made as presenting an argument against the making of certificates of the several States interchangeable.]

An applicant claiming eight years' experience, age twenty-one, says: “A tablespoonful of laudanum contains half a grain of opium. . . . Opium is obtained by insects pinching the buds of opium trees.”

Another applicant of three years' experience received 19 out of a possible 300.

Another applicant of six years' experience received 65.

At this same examination four others, experience from one and a half to six years, were rated respectively $208\frac{1}{2}$, 210, 215 and 228.

An applicant employed in one of the charitable hospitals of the State says: "The dose of opium is three grains, and there are four grains of opium in one ounce of laudanum. . . . Dose of blue mass is one-eighth of a grain. . . . Dose of Fowler's Solution is fifteen minims or ten drops, — its equivalent, and contains about one-tenth of a grain of arsenic. . . . Bisulphate of quinine contains twice as much sulphur. . . . Sulphate and bi-sulphate contain same amount of quinine." This same applicant came up for the third time recently, and his answers, if possible, were worse than above. His first appearance was in May, 1897, the second in June, the last in September. Out of the possible 300 he received in May 98, in June 82, and in September 62.

These facts are given to plainly indicate some of the conditions we have to meet with, and we earnestly ask if section 5 of the law which says, "Any person may be re-examined at any regular meeting of the Board, upon the payment of a fee of three dollars," should not be amended.

The attention of the Board has frequently been called to the "free dispensaries," hospitals, corrective institutions, poor farms and similar places, where compounding and dispensing of drugs is permitted by unregistered and incompetent assistants. In many cases we have succeeded in correcting this hazard, but the recent fatal result in one of the public institutions emphasizes the necessity of legislative action. There seems to be an increasing amount of free prescribing and dispensing by some of the public and charitable institutions, outside of the inmates, and charges are made to this office that some of these charitable institutions are *seeking outside* work, and many well-to-do people are daily receiving medical advice and their drugs without charge, or at a nominal price, such as is accorded to charity patients.

Financial Statement.

Oct. 1, 1896, cash in State treasury,	\$309 67
Received during the year,—	
From applicants, 181 at \$5.00,	\$905 00
From applicants, 415 at \$3.00,	1,245 00
	<hr/>
	\$2,150 00
For 20 duplicate certificates,	20 00
	<hr/>
	2,170 00
	<hr/>
Total,	\$2,479 67

Expended.

	Services.	Expenses.*
H. M. Whitney,	\$197 50	\$68 77
F. H. Butler,	245 00	121 70
J. A. Rice,	170 00	193 87
A. K. Tilden,	120 00	—
John Larrabee, secretary,	645 00	68 66
	<hr/>	<hr/>
	\$1,377 50	\$453 00
	<hr/>	<hr/>
		\$1,830 50
Wright & Potter Printing Company,	\$58 76	
F. H. Butler, sundries,	3 55	
H. C. Dimond & Co., rubber stamp,	75	
G. C. Cannon & Co., engrossing certificates,	4 32	
Thorp & Martin Manufacturing Company, stationery,	11 92	
Geo. C. Goodwin & Co., crude drugs,	18 00	
Dunton & Potter, printing examination questions,	27 50	
H. M. Whitney, drugs,	2 50	
Larrabee & Stearns, drugs,	3 75	
Vox Populi Printing Press, printing examination questions,	4 25	
	<hr/>	<hr/>
		135 30
		<hr/>
		\$1,965 80
		<hr/>
Balance in State treasury,		\$513 87

Liabilities.

Candidates not examined, fees paid,—	
44 at \$5.00,	\$220 00
76 at \$3.00,	228 00
	<hr/>
	\$448 00

* Including mileage.

ENFORCING THE PHARMACY LAW.

In this branch of our work the Board have held eight special sessions, as follows:—

Dec. 2, 1896: At this session three cases of violation of law were considered, resulting as follows: one certificate revoked altogether; one continued for sentence; one placed on file.

The agent was instructed to examine the poison books kept in every drug store, as required by law, calling attention to the necessity of registering every sale of poison named in the act, and to leave a copy of the pharmacy law.

Jan. 13, 1897: Three formal complaints were thoroughly investigated and discussed; but, it appearing from statements under oath that violations of law were accidental and would not occur again, definite action was delayed.

Jan. 20, 1897: At this session of the Board one of the worst cases we have had was presented. The respondent was represented by counsel, who was especially interested from the fact of his ownership of the store, and, being an attorney at law, claimed he had the right to run a drug store with a registered pharmacist fifty miles away, provided he could communicate with him by telephone, and an occasional visit in person by the registered pharmacist. Objections and protests were made at every step by the attorney, until it became a necessity to rule that all facts affecting the conduct of the store and the acts of the respondent must be heard. Cross-examination was allowed to an unlimited extent. The respondent, after consultation with counsel, declined to make any statement.

It appeared by our records that this registered pharmacist was before us in April, 1894, and admitted most gross and improper conduct, and was then told that any further complaint of wrong-doing would be deemed sufficient cause for the revocation of his certificate. The evidence at this time was clear and conclusive of the most flagrant violation of the pharmacy law, of acts not punishable by criminal prosecution; and his general character, as our records and admitted facts developed, was such as required “the Board, in their

judgment, after due consideration of the facts, to revoke his certificate altogether."

Two other cases were heard at this time and placed on file.

March 30, 1897: One case suspended for six months. Another case, not clearly covered by law, was dismissed with severe reprimand and caution.

June 15, 1897: Four cases were ordered for this hearing, three only appearing; two were suspended for six months; one was suspended for twelve months.

June 29, 1897: Two cases. Both of these appeared from sworn statements to be of such a character that the public good did not require further punishment than had been given by the courts, and they were therefore continued without action.

July 15, 1897: Two cases; one revoked, one suspended for six months.

July 29, 1897: One case suspended for six months.

Summary.

Extra meetings during the year,	35
Special meetings,	8
Formal complaints,	34
Special cases disposed of by hearings,	17
Certificates revoked altogether,	3
Certificates suspended for twelve months,	1
Certificates suspended for six months,	5
Cases continued for sentence,	1
Cases placed on file,	4
Cases dismissed as the public good did not seem to require further punishment,	3

Many minor complaints have been heard and adjusted without formal hearing.

Special care is taken to avoid an injustice, every respondent being allowed to present his side in his own way. Full typewritten records of all the hearings are on file in the office.

We have seventeen cases awaiting the action of the courts, which will probably require suspension or revocation. We feel justified in saying there is most decidedly a helpful influence from the fear of suspension or revocation of certificates of registration in pharmacy holding many from

gross violation of the law and hazard to the public. The watchful care and faithful investigations of our agent, and the earnest efforts of the Board to act promptly and justly after due notice and exhaustive hearings, seem to have established the fact that the pharmacy law is not a dead and past issue.

The renewal of registration once in two years would be of special service and value to the public and reputable pharmacy. No possible objection can be made to renewals, as it simply means an exchange of certificate without examination. Our books now show 3,771 registered pharmacists, when in fact there are about 2,500 certificates honestly in use.

While there are occasionally conditions apparently justifying the issuing of an assistant's certificate, we are inclined to the opinion that it would result in more evil than good.

In this branch of our work, as well as the liquor certificates, we refer to the agent's report appended, and his summary of the twelve monthly reports made by him to the Board.

Financial Statement from Oct. 1, 1896, to Oct. 1, 1897.

Services of the Board, including daily attendance and records of the office,		\$350 00
Expenses of the Board,		94 07
Clerical and stenographic service,		240 00
S. B. Harris, agent (services, \$796.50; expenses, \$418.70),		1,215 20
Clipping bureau,		4 80
Stationery and postage, \$20.00; printing, \$15.46,		35 46
Miscellaneous,		8 20
Total,		<u>\$1,947 73</u>

Vouchers in detail at auditor's office.

LIQUOR CERTIFICATE DEPARTMENT.

As predicted in our tenth annual report, this branch of our work is attracting the attention of many other States, and frequent inquiries are made for details and results, with the intention of adopting this corrective, reformatory and uplifting feature of the Massachusetts pharmacy law.

While the examination department controls the educational standard, the enforcing of the pharmacy law confines and

largely controls the sale of drugs by registered pharmacists, the liquor certificate department forces a higher moral standard, and is the strongest lever at our command in overcoming an evil which largely contributed to the necessity of the enactment of the pharmacy law.

The demoralizing and degrading influence of the at one time unrestricted sale of spirituous and intoxicating liquors for other than medicinal purposes, by the comparatively few law defiers and reckless persons posing as pharmacists, has never been so successfully checked as by the present pharmacy law. That most marked and fairly satisfactory results have attended the efforts of the Board is evident by the antagonizing element we encounter, and the approval of all law-abiding citizens. So far as it may be wisely and properly done, this department should be strengthened by legislative action. This work requires a large correspondence with licensing boards, city and town officials, complainants, pharmacists, etc. Many calls are made at the office, and a large amount of detail work is required to determine the question of “proper person and public good,” to avoid an injustice to the applicant or an apparent neglect of duty in an investigation as required by the statute.

Complaints received,	. . . . .	27
Special meetings held,	. . . . .	32
Hearings granted,	. . . . .	67

Several cases, where a serious doubt existed as to “proper person and public good,” have been disposed of by the Board without the expense of a formal hearing, when personal explanations have been given at the office or in writing by the applicant, or careful investigation has been made by the agent.

As the full daily records of the office, correspondence, typewritten hearings and every detail may be seen at the office if desired, it seems unnecessary to present them in this report.

Applications received from Oct. 1, 1896, to March 1, 1897, to expire May 1, 1897,	48
Granted,	34
Refused,	14

Applications received from March 1, 1897, to Oct. 1, 1897, to expire May 1, 1898,	1,196
Granted,	1,059
Refused,	128
Not passed upon and transferred to new account,	9
Total number of applications for the year,	1,244
Total number of certificates granted,	1,093
Total number of certificates refused,	142
Transferred to new account,	9

Financial Statement from Oct. 1, 1896, to Oct. 1, 1897.

Services of the Board, including daily attendance and records of the office,	\$1,490 00
Expenses of the Board,	398 87
Clerical and stenographic,	480 00
S. B. Harris, agent,	1,077 16
Stationery, postage (\$62.88), printing (\$17.37),	80 25
Clipping bureau (\$8.70), miscellaneous (\$5.50),	14 20
Total,	\$3,540 48
Vouchers in detail at Auditor's office.	
Received for liquor certificates,	\$1,243 00
Returned to rejected applicants,	\$141 00
Paid to State Treasurer,	1,093 00
Transferred to new account,	9 00

POISON LAW.

By act of the Legislature of 1896 the adulteration of drugs or medicines and the sale of poisons were placed under the supervision of this Board (sections 19 and 20 of the pharmacy law, chapter 397, Acts of 1896). This was a new departure, and we have been unable to determine how far we are expected to exercise control, — whether it should be confined to pharmacists and the drug store, or enforced in every instance where poisons are sold at retail. That *none* but registered pharmacists are permitted by the law to sell Paris green and many other named poisons, and must keep a record of such sale, is perfectly clear, and we are so instructed from the office of the Attorney-General. But it has for many years been the custom of grocery, hardware, grain and country stores to sell Paris green and other poisons for destroying potato bugs and other insect life, and without any record or antidote. For this Board to enter upon the

absolute control, confining the sale of Paris green particularly to the drug store only, seemed to be a position not intended by the Legislature. We therefore call special attention to this matter, and respectfully request that, if this Board must take on this special police work, the poison law be most carefully revised and specific instructions given.

Much time, both inside and outside of the office, has been given to this matter, and, while we have not had any case before the courts, we are confident good results have been secured in most of the drug stores. Should the Legislature continue this work in our custody with more definite and specific instructions, there is a large field for supervision.

Financial Statement from Oct. 1, 1896, to Oct. 1, 1897.

	Services.	Expenses.	
J. A. Rice,	\$25 00	\$4 50	
A. K. Tilden,	25 00	—	
F. H. Butler,	25 00	3 30	
H. M. Whitney,	35 00	9 40	
John Larrabee,	25 00	3 40	
S. B. Harris,	85 00	47 15	
	<hr/>	<hr/>	
	\$220 00	\$67 75	
	<hr/>	<hr/>	
			\$287 75

CONCLUSION.

In conclusion, we submit our agent's annual summary, exhibiting somewhat in detail his work under our supervision.

There is apparently much less friction to-day than in 1896, as the purpose of the law and the work of the Board is better understood and appreciated.

As indicated on a previous page, the work accomplished by the Massachusetts Board of Pharmacy has attracted the attention of the leading pharmacists of the country, from Maine to California, and is heartily approved, as evidenced by the recent action of the American Pharmaceutical Association.

Respectfully submitted,

H. M. WHITNEY, *President.*
 JOHN LARRABEE, *Secretary.*
 F. H. BUTLER.
 JOHN A. RICE.
 AMOS K. TILDEN.

AGENT'S REPORT.

BOSTON, Oct. 1, 1897.

To the Board of Registration in Pharmacy.

GENTLEMEN:—During the past year the mortuary list of druggists throughout the Commonwealth has become unusually large, thirty-six having joined the silent dead. As your agent made his annual tour of inspection, their familiar faces were sadly missed at their accustomed places of business. The cities and towns in which they lived and the number deceased in each are as follows:—

Amherst, 2	Marlborough, 1
Boston, 5	Newton, 1
Chicopee, 1	North Adams, 1
Fall River, 3	North Weymouth, 1
Gloucester, 1	Plymouth, 1
Haverhill, 1	Revere, 1
Holyoke, 2	Spencer, 2
Lowell, 5	Springfield, 1
Lynn, 1	Waltham, 1
Malden, 3	Worcester, 2

In the discharge of my duties under your orders, requiring visitations to every portion of the State, and in many instances several times to various localities, during the year just closed, my observations warrant me in saying that a very large majority of pharmacists are in favor of the enforcement of the pharmacy laws, feeling assured that the pharmacy business is gradually becoming an honorable profession. On the other hand, there still remains a small percentage who have no interest in drugs, medicines, chemicals and poisons, only so far as the exhibit of the same serves as a cloak to cover up the real business of the proprietor, which is to sell spirituous liquors under the guise

of respectability. In a few instances the profits therefrom are obtained during the Lord's Day; but the results accomplished during the past three years by the local authorities, in conjunction with the Board of Pharmacy, is beginning to be a serious question for these druggists-in-appearance to consider. The courts are becoming acquainted with this latter class of individuals, as the court records indicate, and the introduction of quite a number of them to the presiding justices has proved a very expensive honor to the transgressors, several county, city and town treasurers having received thereby nearly six thousand dollars. In a few instances the defendants have been required to tarry a while as guests of the county in which they resided. It is to be hoped that their experiences will have a salutary effect.

There still remain a very few who are the willing tools of liquor dealers, having no financial interest in the business except to draw their weekly salaries. It is to be deplored that men qualified to engage in the honorable pursuit of the business of pharmacy should engage their services to persons whose connection therewith tends to degradation. "A word to the wise is sufficient."

The record of sales of spirituous and intoxicating liquors by retail druggists, as required by the statutes, has been more generally observed during the past year than heretofore. But there are still some who have had to have their attention called to their careless manner of making sales of liquor. In every case they have promised to properly keep their records in the future.

By an act of the Legislature of last year, the enforcement of the poison law was placed in the hands of the Board of Pharmacy. Upon investigation and inspection it appears that invariably the druggists keep a record of poison sales, as required by section 20, chapter 397, Acts of 1896.

As required by acts of the Legislature, the various complaints of a criminal nature reported to the Board and subsequently investigated by your agent, and other criminal violations observed by him, have been reported to the proper prosecuting officers in the various localities, who have attended to their duties, only requiring his attendance in court as a witness, thereby saving for the Board of Pharmacy

much time of the agent which would otherwise be consumed if he were required to prosecute the violators of the pharmacy law. For their prompt assistance and courteous treatment they are entitled to great credit; and wherever the local authorities have interested themselves with the Board of Pharmacy, the evils which formerly entered into the apothecaries' business disappear, and good citizens greet the same with hearty approval.

Upon two occasions, during my tour of inspection, the certificates of registration of men deceased were found displayed, that being the only indication that a registered clerk was in charge of the store. In each instance the place of business was immediately closed, thereby ending the short career of the would-be pharmacist.

Upon other occasions the certificates of men engaged in business not pertaining to pharmacy were found displayed, no person connected with these stores being registered. In each event a registered clerk was secured at once.

In the discharge of my duties, several curiosities have come to my notice, a description of which perhaps will not be out of order.

In one drug store the prescription list was inspected by the writer, and revealed the fact that the last prescription entered was more than three years old. This man has ceased to conduct his humbug any longer.

Another, being asked to show his prescriptions, replied, "When a prescription comes in, I put it up and throw the prescription into the waste basket." He has gone into the clothing business.

Another, when asked about his prescription business, said, "I don't put up any myself; I would not dare to." This man, from time to time, has importuned the Board, as you well know, for a certificate of recommendation pursuant to obtaining a sixth-class license, when the town votes no license. When the town votes license, he invariably receives a first and a fourth class license.

Upon another occasion, in a neighboring city, my attention was called to a store, a pharmacy in appearance, which had existed only a short time. Upon entering the store was found conspicuously displayed the certificate of registration

in pharmacy of Mr. D. A young man was found in charge, who was asked the following questions:—

Q. What is your name? A. D.

Q. Are you a registered pharmacist? A. My brother is.

Q. Where is your brother? A. He has just stepped out; he will return in a few minutes.

Q. Don't you know that your brother is in the House of Correction at East Cambridge for violating the liquor law?

The young man immediately left the premises. His employer was convicted of keeping a common liquor nuisance, which caused him to conclude that as a druggist he was a failure. The store was closed.

There are others who are found under rather embarrassing conditions, but perhaps the instances cited will suffice.

As you well know, the monthly reports submitted to you by me during the past year contain substantially an account of the work performed in your service, so that only a recapitulation of results seems to be necessary, and is as follows:—

Recapitulation.

Number of visits to cities and towns,	348
Number of inspections made to drug stores,	1,640
Number of criminal complaints made to the local authorities, .	65
Number of druggists prosecuted and convicted,	58
Amount of fines imposed,	\$5,707
Number committed to prison,	3
Number of months served,	8
Number of complaints made to the Board and investigated, .	97
Number of formal complaints made to the Board,	34
Number of drug stores closed,	46
Number of stores found doing business without any registered person connected therewith,	21

There are distributed throughout the Commonwealth at the present time 1,580 drug stores, besides the various department stores, which, according to our last census, constitutes one drug store to every fifteen hundred inhabitants; and, as no druggist would care to start in the business without a population of two thousand to warrant the undertaking, the business outlook for an increase in numbers does not appear to be encouraging.

It is my desire, in concluding this my annual report to

the Board, to again bear witness to the faithful endeavors put forth and diligent labor performed in the discharge of your duties connected with the Board of Pharmacy, the results of which are left for public consideration.

Respectfully submitted,

SIMON B. HARRIS,

Agent.

THIRTEENTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION
IN PHARMACY

FOR THE YEAR 1898.

BOSTON:
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.

1899.

C.

Commonwealth of Massachusetts.

REPORT.

BOSTON, MASS., Oct. 1, 1898.

To His Excellency ROGER WOLCOTT.

In this, our thirteenth annual report for the year Oct. 1, 1897, to Oct. 1, 1898 (and in which we are required, by section 4, chapter 397, Acts of 1896, to "give the condition of pharmacy in the State"), we desire to emphasize the fact of marked progress in a strictly pharmaceutical sense, and the beginning, not alone in this State but in several others, of an advance in the requirements of the pharmacist on the lines of analysis, microscopy and application of remedies to disease, resulting in the drug store of the future becoming one of the most helpful, economic, time-saving and reliable aids to modern progress. Not immediately can the average man of modest means command an analysis of water, paper, food or drugs, or a microscopic examination which will enable him to avoid many lurking and hidden dangers. It is undoubtedly the coming pharmacist who will occupy this position, having not only pharmaceutical skill, but such therapeutical knowledge as will make him the most useful aid and assistant the physician can have. The life and success of fraud, quackery and the attendant evils must in time yield to the rapidly growing and acquired skill of the modern physician and pharmacist. The people, with increasing opportunities for culture and general education, will not always continue to be the dupe and prey of the charlatan.

In the performance of the several duties imposed upon us, great care is taken to avoid an injustice to the applicant for registration in pharmacy, or by refusing a liquor certificate; but equal care is taken to avoid an injustice to the people, by refusing either certificate when satisfied the public good will not be promoted.

Many hours have been given to the consideration of practical work in our examinations, which would require much more cost in time and material used. It is claimed by some that applicants who fail in oral, written or identification of drugs could, in practical work, establish a claim to registration, and that work in preparing or compounding is a better test than an oral or written examination. We as a Board cannot agree that it is better, but we are clearly of the opinion that practical work added to the present method would be an advance in the right direction, and could be accomplished by an annual appropriation to this department of one thousand dollars, by renewal of certificates once in two years, or by an increase of examination fees.

Meetings or sessions of the Board have been held as follows:—

Examinations,	39
Enforcement of pharmacy law,	16
Granting of liquor certificates,	35

The office, Room 22, State House Annex, is open daily for the convenience of pharmacists and the public. All letters, requests for blanks, copies of the law, etc., receive immediate attention, and, as a rule, reply is mailed the same day.

Upon enforcement of the pharmacy law we have had 24 hearings; upon granting of liquor certificates, 117 hearings; making a total of 141 hearings; and in nearly every case we have a full typewritten record of proceedings.

EXAMINATION DEPARTMENT.

The original purpose or duty of the Board was to prevent incompetent persons assuming the hazardous duties of dispensing drugs and medicines, and this year examinations have been held as follows :—

					Days.	Examined.	Registered.	Rejected.
1897.								
Oct.	5-7,	.	.	.	3	35	4	31
Nov.	9-11,	.	.	.	3	43	12	31
Dec.	7-9,	.	.	.	3	38	6	32
1898.								
Jan.	4-6,	.	.	.	3	38	9	29
Feb.	8-10,	.	.	.	3	44	9	35
March	1-2,	.	.	.	2	30	4	26
March	15-16,	.	.	.	2	35	6	29
March	29-30,	.	.	.	2	25	4	21
April	5-6,	.	.	.	2	30	7	23
April	20-21,	.	.	.	2	32	4	28
May	3-4,	.	.	.	2	18	2	16
May	24-25,	.	.	.	3	41	5	36
June	7-9,	.	.	.	3	39	7	32
June	28-30,	.	.	.	3	44	10	34
Sept.	13-15,	.	.	.	3	26	5	21
Totals,					39	518	94	424

The percentage of certificates granted is plus 18. This showing indicates a very small proportion, but the 518 examinations were given to only 302 persons, and, of the 302 persons examined, 94 received certificates of registration, making the percentage of certificates granted to the number of *persons* examined, plus 31.

The records of all examinations as made in writing by each applicant, over his own signature, are on file, and must be our reply to any who claim our requirements are extreme.

The work for this year only, Oct. 1, 1897, to Oct. 1, 1898, may be summarized as follows :—

Candidates, 170	Examinations to each, 1	Total, 170
" 73	" " 2	" 146
" 41	" " 3	" 123
" 12	" " 4	" 48
" 5	" " 5	" 25
" 1	" " 6	" 6
<hr/> Total, 302		<hr/> Total, 518

As stated above, 94 have become registered pharmacists.

12 passed on the 1st examination.				5 passed on the 7th examination.			
19	"	"	2d	"	2	"	8th
19	"	"	3d	"	1	"	9th
17	"	"	4th	"	1	"	10th
7	"	"	5th	"	3	"	11th
7	"	"	6th	"	1	"	13th

Out of this 94, 82 have had an average of 4.3 examinations each, many of them taking the first examination prior to this year.

As in the past, we submit some of the answers received, clearly exhibiting the need of great care in granting certificates of registration in pharmacy in this Commonwealth:—

"Piera is poke root."

"Spirits of Mindererus is made from citric acid and ammonia water."

"Boracic acid is pyroligneous acid."

"Calcium is purified lime."

"Petroleum and petrolatum are the same."

One applicant, twenty-six years old, claiming five and one-half years' experience, says: "Etherial oil is used as a flavor, and bi-sulphate quinine is twice as much value as the sulphate."

"Proto Chlo., Bi Chlo., Per Chlo. and Sub. Chlo. are the same."

"Genus of a plant is the part used."

"Biennial is twice a year. Perennial is three times a year."

"Manna is a fruit."

"Fox glove is Hyoscyamus."

"Sine means highest. Hypo and proto mean the same, higher quantity."

"Levis, as magnes levis, means ligature."

"A sudorific renders the action of other medicines more pleasant."

"Piera is an exudation from the tree Hiera Piera."

"Nepeta Cataria is Iceland Moss."

A physician of four years' experience as a druggist in an adjoining State says: "Poke root is hellebore; squills is the bark of a root; don't know Cannabis Sativa, German Powder or how much arsenic in five minims of Fowlers' Solution, or why cold water is used in making syrup of wild cherry." Also

says: "Basham's Mixture is Sol. Acet. of Ammonia; red oxide of mercury is much more powerful than the yellow; galls is a disease of the tree and Gallic acid is the only acid obtained," and many other equally strange answers.

"Tinct. Camph. Comp. is Spirits Camphor."

"Prince's Pine is hemlock."

"Sesqui means water; Hydro Carbon comes from the atmosphere," and out of four recipes got one right.

"Simple cerate is made of white wax, glycerine and water."

"Inula is Star Anise."

"Disintegrating is disinfecting."

"Cutch is a small disc to be used in the eye."

"Sugar of milk comes from corn."

"Bismuth is made from arsenic."

"Blue mass is mild chloride of mercury ointment."

One applicant, out of fifty questions, answered only one correctly. His written examination was rated 9, and drugs 35, "Dose of opium is 3 to 10 grains; boric acid is more soluble than soda chloride."

Another says: "There is 84-100 gr. of opium in one teaspoonful of laudanum." (There are six grains.)

Another says: "Boric acid is a saturated solution of borax; proto, deuto and bin Iodide are all the same; Proto Chlo., Sub. Mur., Bi Chlo., and Per Chlo. Hydrarg. all mean calomel."

An applicant claiming nine years' experience, and upon his fourth examination, says: "Krameria is Iceland Moss; chlorine is made from chloroform and alcohol; difference between carbonate and calcined magnesia is simply reducing carbonate to powder by rubbing; galenical preparations are fatty ones." His rating on this fourth examination was: oral, 25; written, 23½; drugs, 20.

An applicant, age twenty-seven, claiming five years' experience, says: "I make lime water from chloride of lime, which comes from the metal calcium."

Another, on his ninth examination, says: "Disintegration is feld spar; translucent means to turn over."

An applicant on the second examination writes: "An anthelmintic is a drug to quiet a crazy person; would give atropia."

Another says: "Camphor is mined from the earth."

An applicant on his sixth examination, age twenty-seven years, with four years' experience in a good store (undoubtedly a satisfactory assistant, as far as selling goods and attention to the strictly commercial part), proved fearfully deficient as a competent pharmacist. His rating was: oral, 10; written, 15; drugs, 0.

Another candidate says: "The difference between spirits and tinctures is that spirits are nine times stronger than tinctures."

A physician, fifty-three years old, and claiming ten years' experience as a pharmacist (from 1873 to 1883), and now thinking of opening a drug store, says: "The medicinal part of jalap is the rhizome; of colocynth is the seed, from which an extract is made; the official syrup containing Carb. Potass. is syrup Iodide of Iron." He would make boracic acid by treating borax to drive off carbonic gas; no difference between sublimed and purified sulphur; washed sulphur was made by washing sulphur with sulphuric acid; teaspoonful of laudanum contains $1\frac{1}{2}$ grains of opium; and when asked if he would give a teaspoonful, said he would not, it contained 22 grains of opium. When asked how he would make a pill of permanganate of potass, he said, "Use starch and some extract."

With such answers as given above, we submit it is not the *fault* of the Board that so many fail to receive a certificate of registration, and we suggest that section 5 of the law, which says, "Any person may be examined at any regular meeting of the Board upon the payment of a fee of three dollars," be amended, limiting the number of times a person may appear within a specified period.

Financial Statement.

Oct. 1, 1897, cash in State treasury,	\$513 87
Received during the year:—	
Fees from applicants, 128 at \$5.00,	\$640 00
Fees from applicants, 370 at \$3.00,	1,110 00
	<hr/>
	\$1,750 00
For 12 duplicate certificates,	12 00
	<hr/>
	1,762 00
	<hr/>
Total,	\$2,275 87

Expended.

	Services.	Expenses.*
H. M. Whitney,	\$185 00	\$57 57
F. H. Butler,	195 00	107 65
J. A. Rice,	202 50	225 30
A. K. Tilden,	97 50	11 50
John Larrabee, secretary,	680 00	69 04
	<u>\$1,360 00</u>	<u>\$471 06</u>
		\$1,831 06

Wright & Potter Printing Company,	\$109 32	
Dennison Manufacturing Company,	6 48	
Thorp & Martin Manufacturing Company,	1 85	
Geo. C. Goodwin Company (drugs),	10 75	
Gilman Brothers,	3 64	
E. L. Patch Company,	9 00	
Larrabee & Stearns,	3 20	
Dunton & Potter (printing examination questions),	9 00	
Thompson & Hill (printing examination questions),	4 25	
Vox Populi Press (printing examination questions),	4 25	
H. W. Stone (engrossing certificates),	5 40	
Paine Furniture Company (filing case),	22 00	
	<u>189 14</u>	
		\$2,020 20
Cash to balance:—		
In State treasury,	\$193 67	
On hand,	62 00	
	<u>255 67</u>	
		\$2,275 87

Liabilities.

Applicants not examined, fees paid:—		
Prior to Nov. 1, 1896:—		
20 at \$5.00,	\$100 00	
25 at \$3.00,	75 00	
	<u>\$175 00</u>	
Year ending Oct. 1, 1897:—		
6 at \$5.00,	\$30 00	
7 at \$3.00,	21 00	
	<u>51 00</u>	
Year ending Oct. 1, 1898:—		
15 at \$5.00,	\$75 00	
27 at \$3.00,	81 00	
	<u>156 00</u>	
Total,		\$382 00

* Including mileage.

ENFORCEMENT OF THE PHARMACY LAW.

During the past year many attempts have been made to induce the Board to recede from its action of suspending or revoking the certificate of registration in pharmacy, as required by law. It is an unpleasant duty to suspend or revoke a certificate of registration, and the duty is made hard and trying by influences brought to bear to force a change of action. Threats of prosecution, of repealing the pharmacy law and of testing its constitutionality have been made. In several cases where questions of law were raised by counsel we have felt justified in seeking advice from the office of the Attorney-General, which has been promptly given.

As this part of our work has proven to be a necessity, great care and exhaustive investigation is made prior to final action. Some of the cases have been such as to excite our sympathy, but the Board have felt that public good should be the first consideration.

Sixteen sessions have been held, as follows:—

Oct. 20, 1897: At this session three cases were ordered for hearing. One was a case of long-continued violation of law, and the certificate was revoked. The other two cases were continued for convenience of counsel, who could not be present. At this meeting there was also a petition for change of verdict in six months' suspension, but no change could be made.

Oct. 27, 1897: Three cases were considered. One was continued for sentence; one was placed on file; one was found guilty, but owing to the contention of attorney, action was delayed until a written opinion could be obtained from the Attorney-General.

Nov. 9, 1897: The verbal appeal, made Oct. 8, by a prominent physician, supported by a representative from a wholesale drug house, and later put in the form of a letter, seeking reinstatement of certificate revoked in 1894, was presented with the facts. After due consideration, the president was instructed to write that the Board declined to take any further action.

Nov. 17, 1897: Five cases were considered. One certificate was suspended for six months, one for twelve months, and

one was revoked (the case heard October 27). This was a flagrant case, the charge being a violation of the liquor law. The evidence showed persistent sales of liquors from the soda fountain and on Sunday. One case was placed on file, as the respondent had left the State. One pleading release of suspension, it was voted no change could be made.

Nov. 30, 1897: Two cases were considered. One was revoked. In the other, the certificate was suspended for three months only, the facts being that no licenses were granted in the town but by general consent all the apothecaries sold more or less liquor. This man was complained of by local authorities, convicted, and paid a fine of one hundred dollars and lost his stock of liquors.

Dec. 15, 1897: An earnest plea was made by eminent counsel that the action taken November 30 be reconsidered. No effort was made to disprove facts, and, after due consideration, the Board decided that their action, having been taken under the law, could not be changed. In another case, the respondent appeared with counsel. Many witnesses were present. The charge was illegal sales of liquor. Counsel entered a plea of guilty, and requested the Board to delay final action, which request was granted. In the next case, the respondent asked for continuance, as his counsel could not be present. The request was granted.

Jan. 12, 1898: The first case heard was the one continued from December 15. Counsel appeared for his client, making an earnest appeal that the man should be saved, if possible; and, this being his first offence, it was voted to suspend his certificate for twelve months. In the second case, the respondent under oath made a clear and manly statement of all the facts, which coincided with the report made by our agent. It was voted to place on file. In the third case, the respondent refused to appear in answer to the summons. This was a flagrant case, as was shown by the evidence of several witnesses and court records produced. It was voted to revoke this certificate altogether.

Jan. 14, 1898: A special meeting was held for the consideration of various matters, and the Board appeared before the committee on public health.

March 23, 1898: This was apparently a flagrant case, but

the claim was made by the respondent that, having entered a plea of *nolo contendere*, and paid a fine, the Board were barred from action, claiming that there was no record of conviction, as required by statute. Continued for the opinion of the Attorney-General.

March 31, 1898: In the above case, the plea of no jurisdiction was thoroughly discussed, typewritten evidence of the hearing was carefully considered, and the unanimous opinion of the Board was, "Guilty of the acts charged," but sentence was again delayed for the opinion of the Attorney-General. In the next case considered, the charges were so clearly established that the certificate was revoked.

April 13, 1898: The case heard on March 23, and reviewed on March 31, was disposed of by suspension for twelve months.

June 22, 1898: The party summoned to appear at 10 A.M. did not appear. At 11.15 the testimony of officers was taken and the case continued.

June 29, 1898: Counsel appeared in above case, making argument and plea for leniency. Certificate was revoked.

July 6, 1898: This was a complaint against a party known favorably to members of the Board many years ago. He appeared in his own behalf, raised questions of jurisdiction, and was sharp and critical in his cross-examination of witnesses. After careful consideration of facts clearly established, his certificate was revoked.

Aug. 23, 1898: This was the case of a drug store opened in 1895 by an unregistered person at one of the seaside resorts of the State. This store has given the Board much trouble. The original proprietor died. His successor (also unregistered) employed a registered man, and the conduct of the store became so notorious that the registered man was summoned before the Board, charges were preferred, and, after patient hearing and earnest appeal of counsel, the defendant was found guilty of the acts charged, and his certificate was revoked.

Sept. 23, 1898: At the above store was found the certificate of another registered pharmacist who was summoned before the Board. It appeared that the owner of the certificate had permitted his certificate to keep the store alive for about ten days, but had not himself been in attendance, nor had he been

in the drug business for the three previous years, being engaged in the practice of dentistry. The certificate was suspended for six months.

Summary.

Certificates revoked altogether,	8
Certificates suspended for 12 months,	3
Certificates suspended for 6 months,	2
Certificates suspended for 3 months,	1
Cases placed on file,	4
Formal complaints made by our agent,	26
Informal complaints, noted, recorded and investigated,	56

Eleven of the seventeen cases brought by local police and reported last year as awaiting final action of the courts have been settled. Some failed of conviction on purely technical grounds, but we hope the moral effect has been good. In our agent's report will be found many facts and points of interest bearing upon this part of our work. We have at this date eleven unsettled cases of formal complaint.

Financial Statement from Oct. 1, 1897, to Oct. 1, 1898.

	Services.	Expenses.	Total.
H. M. Whitney,	\$332 50	\$83 77	\$416 27
John Larrabee,	37 50	10 10	47 60
F. H. Butler,	50 00	35 60	85 60
John A. Rice,	2 50	2 96	5 46
A. K. Tilden,	40 00	3 50	43 50
S. B. Harris,	760 00	377 50	1,137 50
Clerical and stenographic,	250 00	—	250 00
Miscellaneous,	—	7 50	7 50
Total,	\$1,472 50	\$520 93	\$1,993 43

GRANTING OF LIQUOR CERTIFICATES TO DRUGGISTS.

This branch of our work continues to be of growing interest to the people, and of such importance as to demand much time in correspondence, personal investigation, and the greatest possible care in deciding many cases. The law requires us to say that the applicant is a "proper person, and the public good will be promoted." In several prohibition towns and cities no sixth-class licenses are granted, in others the sixth-class license only is granted. Where none are granted, there appears to be an accepted condition that, if care is exercised, no prosecu-

tion will follow. This condition is a direct violation of the statute, and in several instances has been of great hardship to the pharmacist, where prosecution has followed.

Thirty-five special sessions have been held during the year. From Oct. 1, 1897, to Oct. 1, 1898, we have received 1,315 applications for liquor certificates. Of this number 1,114 have been granted, 184 refused and 12 withdrawn. At twenty of the thirty-five sessions, 117 applicants have appeared, with or without counsel, and every opportunity has been granted the applicant to explain, or if possible to correct, our record and urge change of action. Sixty-four have been successful. Fifty-two, who, from carelessness or otherwise, had neglected to keep the record of sales as required by statute, have been so notified, and in most of such cases have appeared before the Board and certificates have been granted, as it was the only offence, with the assurance that continued neglect to record sales would be a bar to further consideration.

It would be idle to attempt a transcript of our records, as it is well understood that any and all efforts to control the sale of intoxicating liquors, even for medicinal purposes, is attended with many annoyances. We fully realize the difficulty in legislation to meet all questions that may arise, and feel it would be useless to recapitulate the many suggestions and plans urged upon us for new legislation, until the people are more ready to enforce such laws as we now have.

We have no desire to parade the work of this Board, or proclaim the value of our efforts in the interests of the people. We do feel justified in saying the Legislature of this Commonwealth is entitled to credit for making it possible to prevent incompetent persons maintaining liquor saloons under the guise of a drug store, and that, in our opinion, the laws now under the supervision of this Board have prevented the opening of hundreds of so-called drug stores, which would have been a serious hardship to reputable pharmacy, and a fearful evil in the State.

As in the department for enforcing the pharmacy law, we refer to our agent's report.

In addition to the typewritten record of hearings, we have also brief records of many cases adjusted or disposed of without calling the full Board together, accomplished by correspondence.

Applications.

Applications received from Oct. 1, 1897, to March 1, 1898, to expire

May 1, 1898,	66
Certificates granted,	37
Certificates refused,	23
Applications withdrawn,	6

Applications received from March 1, 1898, to Oct. 1, 1898, to expire

May 1, 1899,	1,249
Certificates granted,	1,077
Certificates refused,	161
Applications withdrawn,	6
Transferred to new account,	5

Total number of applications for the year,	1,315
Total number of certificates granted,	1,114
Total number of certificates refused,	184
Total number of applications withdrawn,	12
Transferred to new account,	5

Received for liquor certificates,	\$1,315
Returned to rejected applicants and withdrawn,	\$196
Paid to State treasurer,	1,114
Transferred to new account,	5

Financial Statement from Oct. 1, 1897, to Oct. 1, 1898.

	Services.	Expenses.	Total.
H. M. Whitney,	\$987 50	\$229 42	\$1,216 92
John Larrabee,	112 50	29 35	141 85
F. H. Butler,	122 50	81 10	203 60
John A. Rice,	50 00	59 95	109 95
A. K. Tilden,	102 50	8 00	110 50
S. B. Harris,	790 00	440 60	1,230 60
Clerical and stenographic,	480 00	—	480 00
Printing, stationery, postage, etc.,	—	90 61	90 61
Miscellaneous,	—	18 78	18 78
Total,	\$2,645 00	\$957 81	\$3,602 81

POISON LAW.

The evil of selling many poisons outside of the drug store still continues, and without record of sale, as required by Acts of 1897; but, as we have supervision of the drug store only, we would report that we have found but two violations of the poison law in drug stores during the year.

Financial Statement from Oct. 1, 1897, to Oct. 1, 1898.

	Services.	Expenses.	Total.
H. M. Whitney,	\$25 00	\$7 00	\$32 00
F. H. Butler,	25 00	—	25 00
John Larrabee,	25 00	—	25 00
John A. Rice,	25 00	—	25 00
A. K. Tilden,	25 00	—	25 00
Wright & Potter,	—	3 50	3 50
Total,	\$125 00	\$10 50	\$135 50

Respectfully submitted,

H. M. WHITNEY, *President.*
 JOHN LARRABEE, *Secretary.*
 F. H. BUTLER.
 AMOS K. TILDEN.
 JOHN A. RICE.

AGENT'S REPORT.

BOSTON, MASS., Oct. 1, 1898.

To the Board of Registration in Pharmacy.

GENTLEMEN:—During the past year thirty-one registered pharmacists have passed away. The cities and towns in which they resided and the number deceased are as follows:—

Amherst, 1	Lynn, 1
Avon, 1	Munson, 1
Boston, 6	Northborough, . . . 1
Brookfield (North), . 2	Revere, 1
Brookline, 1	Salem, 1
Cambridge, 1	Spencer, 3
East Douglas, . . . 2	Stoughton, 1
Fall River, 1	Springfield, 1
Haverhill, 1	Suffield, 1
Lowell, 2	Worcester, 2

My duties in your service have taken me to every portion of the State, and to some localities many times.

During the five years I have been employed as your agent my acquaintance with the druggists of the Commonwealth has constantly increased, and I am thus enabled each year to judge more fully of the manner in which the drug stores of the State are conducted. It is a satisfaction to report that this year the law has been more strictly observed than during the preceding year. As proof of this statement, there have not been as many criminal complaints made to the courts, nor have as many formal complaints been made to the Board. Fewer stores were found without registered clerks, and, as the natural observance of the law, a less number of persons have abandoned the pharmacy business during 1898 than during 1897.

We still have in a very few cities and towns, I am sorry to state, local authorities who believe, judging from their conversation and actions, that it is not their business to assist in the enforcement of the pharmacy law, notwithstanding section 21, chapter 397, Acts of 1896, reads as follows: "It shall be the duty of the board of registration in pharmacy to investigate all complaints of disregard, non-compliance with, or violation of, the provisions of this act, and to bring all such cases to the notice of the proper prosecuting officers." It is evident that their unwillingness to interest themselves in these matters retards the enforcement of helpful and just statute law. It is very fortunate that this state of affairs exists in only six localities in Massachusetts. On the other hand, the officials in the remaining portions of our State have taken an interest in the enforcement of the law, and have rendered valuable assistance, entitling them to grateful acknowledgment.

As an illustration, during the month of February, 1898, an inspection was made of every drug store in the city of Boston. A liquor inspector for each division was detailed from headquarters to accompany your agent. These inspectors and myself made minutes of any violations which were observed, giving full credit to pharmacies which were conducted according to the law. The results of our inspection showed that quite a number did not properly keep a record of sales of liquor under their sixth-class licenses, and that twenty-one, during the year of 1897, had abandoned the business. Since our visit, complaints against druggists in Boston have been very few, showing to the public that they are willing to become law-abiding, and that the law is not regarded as a dead letter.

I believe, with but few exceptions, that the pharmacist who has engaged in the business of pharmacy, as a pharmacy business, has a desire to properly conduct the same. The difficulty is caused by those who are not in the business pharmaceutically, but to make what profit they can out of pharmaceutical pretence, until the law calls them to a realization of what frauds they have been, their reward being their experience; the last state of such persons is generally worse than the first. In some cases their silent partner and financial backer is a wholesale liquor dealer. The Board is fully conversant with their persistence and the means employed by them to obtain

a recommendation pursuant to the granting of a sixth-class license; but, in order to inform others who may read this report, one such case will be cited.

In 1897 a wholesale liquor dealer of Boston was the proprietor of a drug store, to all appearances a pharmacy, in an adjoining town. A registered pharmacist, whom the Board knew to be financially embarrassed, applied for a recommendation in order to obtain the desired license for this store. As the law provides that no license of the sixth class shall be issued to any person who is not a registered pharmacist and engaged in business on his own account, the request was very properly denied by the Board. This applicant very soon disappeared from the store. Within a short time another applicant applied for a certificate, claiming that he had purchased the whole business, and ought of right to be recognized. This application was investigated and disposed of in the same manner as that of his predecessor. He also disappeared. On the sixteenth day of June, on account of a complaint made to the Board, your agent visited this store, and found a young man in charge.

He was asked, "Who is the proprietor of this store?" A. "Mr. A——." Q. "What is his business?" A. "Wholesale liquor dealer in Boston." Q. "Is there any registered person in charge?" A. "Yes." Q. "What is his name?" A. "Mr. B——." Q. "Where is he at present?" A. "Attending to his medical studies in Boston."

After waiting three hours, the clerk in question appeared, and the following interview took place: Q. "Are you in charge of this store?" A. "Yes, but I have got pretty nearly through." Q. "Are you a registered pharmacist?" A. "Yes." Q. "Where is your certificate of registration in pharmacy?" A. "At my room. I took it away last night." Q. "When were you registered?" A. "About twelve years ago."

Knowing the above statement to be absolutely false, a call upon the chief of police of the town seemed proper. Subsequently, in company with him, I again visited the store. I then remarked to the pretended registered man, "What surprised me the most, when I met you this afternoon, was your statement that you are a registered pharmacist. Now you

know that statement is without any foundation whatever. You and this young man, in the interest of a liquor dealer, have been doing business without any appointment or authority. It is my duty, as agent of the Board of Pharmacy, to report your proceedings to the chief of police." Both young men began to plead with the officer, promising to make any restitution in their power, and the chief ordered them to close the place at once, saying, "In case this store is opened again for business, without a registered pharmacist in charge, prosecutions will follow." They closed the store immediately. Subsequently another application came, under conditions similar to those of the other two. Upon looking up the record of this applicant, it was found that he had been detained in Cambridge jail "by force and against his will" for a period during the past year, and therefore he was very properly refused.

This is but one of many illustrations which might be given of similar cases. It is such men as these who cause more anxiety and trouble than all else connected with the pharmacy business. These are the persons who require official attention when opportunity is presented; a law-abiding pharmacist has no cause for fear from the State Board of Registration in Pharmacy, nor from any one connected therewith.

As from month to month you have received a detailed statement of service rendered by me, I will conclude this annual report with a recapitulation of results obtained, trusting that the public good has been promoted thereby.

Recapitulation.

Number of visits to cities and towns,	335
Number of inspections made of drug stores,	1,595
Number of criminal complaints made to local authorities,	55
Number of druggists prosecuted,	51
Number of druggists convicted,	46
Amount of fines imposed,	\$3,900
Number of druggists committed to prison,	3
Number of months served,	18
Number of complaints made to the Board and investigated,	79
Number of formal complaints made to the Board,	26
Number of drug stores closed,	41
Number of drug stores found doing business without any registered person in charge,	19
Number of sixth-class licenses revoked,	14

During my tour of inspection the past year I found in one store open for business that the only indication of a registered person being in charge was the certificate of registration of a deceased man, conspicuously displayed. Another store was found in charge of a man whose certificate of registration in pharmacy was revoked three years ago. His address at present is Worcester County jail.

In closing, I wish to extend my appreciation of the service rendered by those who, in their official capacity, have assisted me in the enforcement of the pharmacy laws throughout the Commonwealth.

To the Board I still testify that your duty has been well performed as faithful public servants.

Respectfully submitted,

SIMON B. HARRIS,

Agent.

LAWS RELATING TO PHARMACY.

[CHAPTER 397, ACTS OF 1896.]

AN ACT TO REGULATE THE PRACTICE OF PHARMACY.

Be it enacted, etc., as follows :

SECTION 1. The board of registration in pharmacy shall consist of five persons. The present members thereof shall continue to hold their offices during the terms for which they were appointed. The appointment to fill vacancies occurring from expiration of terms of office shall be for five years from the first day of October in each year. The appointments to said board shall be made by the governor with the advice and consent of the council, and only skilled pharmacists, resident in the Commonwealth, who have had ten consecutive years of practical experience in the compounding and dispensing of physicians' prescriptions shall be eligible, and not more than one member of said board shall be interested in the sale of drugs, medicines and chemicals and the compounding and dispensing of physicians' prescriptions in the same city or town. Any member of said board may be removed from office for cause by the governor with the advice and consent of the council.

SECTION 2. The members of said board shall meet on the first Tuesday of October in each year at such time and place as they may determine, and shall immediately proceed to organize by electing a president and secretary, who shall be members of the board, and who shall hold their respective offices for the term of one year. The secretary shall give to the treasurer and receiver general of the Commonwealth a bond with sufficient sureties, to be approved by the governor and council, for the faithful discharge of the duties of his office. The said board shall hold three regular meetings in each year, one on the first Tuesday of January, one on the first Tuesday of May and one on the first Tuesday of October, and such additional meetings at such times and places as they shall determine.

SECTION 3. The compensation, incidental and travelling expenses of the board shall be paid from the treasury of the Commonwealth. The compensation of the members of the board shall be five dollars each for every day actually spent in the discharge of their duties and

the amount actually paid by them for necessary travelling expenses in attending the meetings of the board, but in no case exceeding three cents per mile each way. The bills for such compensation and their incidental and travelling expenses shall be approved by the board and sent to the auditor of the Commonwealth, who shall certify to the governor and council the amounts due as in case of other bills and accounts approved by him under the provisions of law. So much of the receipts from examinations as may be necessary for the compensation and expenses of the board, as aforesaid, is hereby appropriated, in addition to any amount authorized by the legislature for the purposes of this act.

SECTION 4. The board shall keep a record of the names of all persons examined and registered hereunder, and a record of all moneys received and disbursed by said board, a duplicate of which records shall always be open to inspection in the office of the secretary of the Commonwealth. Said board shall make to the governor on or before the first day of January in each year a report stating the condition of pharmacy in the state, with a full and complete record of all its official acts during the year, and the receipts and disbursements of the board.

REGISTRATION OF PHARMACISTS.

SECTION 5. Any person desiring to do business as a pharmacist shall upon payment of a fee of five dollars be entitled to examination, and if found qualified shall be registered as a pharmacist, and shall receive a certificate signed by the president and secretary of said board. Any person may be re-examined at any regular meeting of the board, upon the payment of a fee of three dollars. All fees received by the board under this act shall be paid by the secretary of the board into the treasury of the Commonwealth.

SECTION 6. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 7. Said board shall hear all applications by registered pharmacists for the granting of sixth class licenses, whenever such hearing is required by the applicant, and all complaints made to them against any person registered as a pharmacist, charging him with suffering or permitting the use of his name or his certificate of registration by others in the conduct of the business of pharmacy when he himself is not the owner and actively engaged in such business; engaging in, aiding or abetting the violation or, in his business as a pharmacist, violating any of the laws of the Commonwealth now under the supervision of the board of registration in pharmacy, and especially the laws relating to the sale of intoxicating liquor. Such complaint

shall be under oath, shall set out the offence alleged, and shall be made within fifteen days of the date of the act complained of.

SECTION 8. Said board shall notify the person complained against of the charge made against him and of the time and place when and where the matter will be heard by them. He may then and there appear before the board with his witnesses and be heard by counsel. Any three of the members of the board shall be a quorum for such hearing. Either member of the board may administer oaths to the witnesses at such hearing, and any person so sworn who wilfully swears or affirms falsely respecting any matter upon which his testimony is required shall be deemed guilty of perjury. Said board shall have the power to send for persons and compel the attendance of witnesses at said hearings, by process duly served.

SECTION 9. If the full board sitting at such hearing shall find that the person complained against is guilty of the acts charged against him said board may suspend his registration as a pharmacist and his certificate thereof, for such term as the board in their judgment, after due consideration of the facts, may deem for the best interest of the public, or may revoke it altogether, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after conviction by a court of competent jurisdiction.

SECTION 10. No license for the sale of spirituous or intoxicating liquors, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more such licenses shall be granted annually by the board of license commissioners of cities, the board of police of the city of Boston, or the selectmen of towns, to retail druggists or apothecaries, if it shall appear that the applicant is a fit person to receive such license, is not disqualified to receive the same under section sixteen of this act, and is a registered pharmacist actively engaged in business on his own account, and if he shall also present to the licensing board a certificate of fitness as provided in section eleven of this act. Retail druggists and apothecaries shall not be subject to the second clause of section nine of chapter one hundred of the Public Statutes when the sale is made, as hereinafter provided, upon the prescription of a physician.

SECTION 11. The state board of registration in pharmacy may issue to applicants for licenses of the sixth class to sell intoxicating liquor a certificate, which shall not be valid after the expiration of one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting of said license. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such

certificate. Such complaints shall be in writing, specifying the reason, if any, why a certificate should be withheld. For each certificate so granted by the board of registration in pharmacy said board shall be entitled to receive a fee not exceeding one dollar, to be paid by the applicant.

SECTION 12. Any license for the sale of intoxicating liquor, of the sixth class, shall become null and void, without any process or decree, whenever the registered pharmacist to whom it has been granted shall cease to conduct his business in person and on his own account, or upon the revocation of his registration as such pharmacist and of his certificate thereof, excepting cases where the registered pharmacist has died or become incapacitated, and his business is continued by his widow, executor or administrator, under a registered pharmacist.

SECTION 13. Sales of intoxicating liquor of any kind by retail druggists and apothecaries, for medicinal, mechanical or chemical purposes, shall be made only upon the certificate of the purchaser, which certificate shall state the use for which the same is wanted, and shall be immediately cancelled at the time of such sale in such manner as to show the date of cancellation.

SECTION 14. A book shall be kept by every retail druggist and apothecary in which he shall enter at the time of every such sale the date thereof, the name of the purchaser, who shall also sign his name in said book as part of said entry, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is also made upon the prescription of a physician the book shall also contain the name of the physician and state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows : —

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.	Signature of Purchaser.
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SECTION 15. The book, certificates and prescriptions before provided for or referred to, shall at all times be open in the city of Boston to the inspection of the board of police, and in all the cities and towns of the Commonwealth to the inspection of the mayor and aldermen, board of license commissioners, selectmen, overseers of the poor, sheriff, constables, police officers, and justices of the peace.

SECTION 16. Any person making or issuing a false or fraudulent certificate or prescription referred to in sections thirteen or

fourteen of this act may be prosecuted therefor, and upon conviction may be fined ten dollars. Any retail druggist or apothecary violating any of the provisions of sections thirteen, fourteen and fifteen of this act shall, upon conviction thereof, be punished by fine of not less than fifty nor more than five hundred dollars, or imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment. He shall in addition to said penalties forfeit his license and be disqualified to hold a license for the period of one year after his conviction, and if the licensee is the owner of the premises no license shall be exercised on the premises described in the forfeited license during the residue of the term thereof.

SECTION 17. Any person not being a registered pharmacist who shall procure a sixth class license for the sale of intoxicating liquors, in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall by himself or his servants sell intoxicating liquor, shall upon conviction thereof be fined not less than fifty dollars nor more than five hundred dollars, and imprisoned in the house of correction for a term of not less than one month nor more than six months, and the provisions of section eight of chapter two hundred and fifteen of the Public Statutes shall not apply to such sentence.

SECTION 18. Whoever not being registered as aforesaid shall, by himself or his agent or servant, unless such agent or servant is so registered, retail, compound for sale or dispense for medicinal purposes, or shall keep or expose for sale, drugs, medicines, chemicals or poisons, except as provided in section twenty-three of this act, shall be punished by a fine not exceeding fifty dollars. But nothing in this act shall be construed to prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

SECTION 19. Whoever fraudulently adulterates, for the purpose of sale, any drug or medicine, or sells any fraudulently adulterated drug or medicine, knowing the same to be adulterated, shall be punished by imprisonment in a jail not exceeding one year, or by fine not exceeding four hundred dollars; and such adulterated drugs and medicines shall be forfeited, and destroyed under the direction of the court.

SECTION 20. [*Amended.*]

GENERAL PROVISIONS.

SECTION 21. It shall be the duty of the board of registration in pharmacy to investigate all complaints of disregard, non-compliance with, or violation of, the provisions of this act, and to bring all such cases to the notice of the proper prosecuting officers, and especially to prosecute all persons violating section seventeen of this act.

SECTION 22. In order properly to carry out the provisions of this act the board of registration in pharmacy may expend annually a sum not exceeding two thousand dollars, and an itemized statement of all expenses incurred shall be filed with the auditor of the Commonwealth, who, after they have been properly approved, shall allow them in the same manner as other claims against the Commonwealth.

SECTION 23. This act shall not apply to physicians putting up their own prescriptions or dispensing medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any member of a copartnership, other than a registered pharmacist, be liable to the penalties hereof: *provided*, that such non-registered member shall not retail, compound for sale or dispense for medicinal purposes, drugs, medicines, chemicals or poisons, except under the personal supervision of a registered pharmacist.

SECTION 24. Sections five and six of chapter two hundred and eight of the Public Statutes, chapter three hundred and thirteen of the acts of the year eighteen hundred and eighty-five, chapters two hundred and sixty-seven and four hundred and thirty-one of the acts of the year eighteen hundred and eighty-seven, chapter two hundred and nine of the acts of the year eighteen hundred and eighty-eight, chapters two hundred and twenty-seven and four hundred and seventy-two of the acts of the year eighteen hundred and ninety-three, and chapter four hundred and thirty-five of the acts of the year eighteen hundred and ninety-four, are hereby repealed. [*Approved May 15, 1896.*]

[CHAPTER 192, ACTS OF 1898.]

AN ACT RELATIVE TO THE SALE OF POISONS.

Be it enacted, etc., as follows:

SECTION 1. Section twenty of chapter three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out the whole of said section and insert-

ing in place thereof the following:—*Section 20.* Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral, hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green Parson's vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall keep a record of such sale, the name and quantity of the article sold, and the name and residence of the person or persons to whom it was delivered, which record shall be made before the article is delivered, and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except on the prescription of a physician. Whoever neglects to keep or refuses to show to said officers such record shall be punished by fine not exceeding fifty dollars. Whoever sells any of the poisonous articles named in this section without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper, upon which shall be printed in large black letters the word, Poison, and also the word, Antidote, and the name and place of business of the vendor. The name of an antidote, if there be any, for the poison sold, shall also be upon the label. Every neglect to affix such label to such poisonous article before the delivery thereof to the purchaser shall be punished by fine not exceeding fifty dollars. Whoever purchases poisons as aforesaid and gives a false or fictitious name to the vendor shall be punished by fine not exceeding fifty dollars. But nothing in this act shall be construed to apply to wholesale dealers and to manufacturing chemists in their sales to the retail trade, nor to the general merchant, who may sell in unbroken packages containing not less than one quarter of a pound, Paris green, London purple, or other arsenical poisons for the sole purpose of destroying potato bugs or other insect life upon plants, vines or trees: *provided*, that such merchant complies with the provisions of this section in respect to recording such sale and labelling each package sold.

SECTION 2. This act shall take effect upon its passage. [*Approved March 17, 1898.*]

FOURTEENTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION
IN PHARMACY

FOR THE YEAR 1899.

BOSTON :
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.

1900.

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Commonwealth of Massachusetts.

REPORT.

BOSTON, MASS., Oct. 1, 1899.

To His Excellency ROGER WOLCOTT, *Governor*.

Sir: — We present herewith the fourteenth annual report of the Board of Registration in Pharmacy for the year ending Oct. 1, 1899.

The condition of pharmacy in this State, from a commercial stand-point, has improved but little during the year. As a result of the enactment and enforcement of the pharmacy laws, there has been a continued improvement in the professional standing and qualifications of pharmacists as a class. The examinations have been largely practical, and it is especially noticeable that candidates are better prepared than formerly, due to the opportunities afforded them by their employers and by schools and colleges of pharmacy for a systematic course of study and training, added to which practical experience in the store or laboratory is a recognized necessity. The public justly demands proper evidence of fitness on the part of those desiring to engage in the responsible duties of a pharmacist. To the Board is entrusted the important duty of determining their qualifications, in the discharge of which we have insisted upon an accurate knowledge to such an extent as deemed vital to the public welfare. Gradually the standard has been raised. That there were incompetent men in the business at the time of the passage of the law cannot be denied. By its provisions they were allowed to remain, and it is to be regretted that many with the certificates granted them without examination have assisted and protected persons not pharmacists, but proprietors, in doing an illegal business, which would not have been possible without their presence with a certificate.

With the advance in requirements there have come forward

persons who advertise to prepare candidates for examination by a course of cramming, which, if successful, can be of little permanent value, and is a poor substitute for a systematic course of study in conjunction with laboratory work, in botany, pharmacy and chemistry. The laws of this and other States do not require the latter in direct terms, nor that the applicant shall be a graduate of any school of pharmacy, nor do the rules of the Board make any distinction whatsoever in this regard. Our experience justifies the statement that those who are best prepared for the examinations have enjoyed opportunities for graded and definite instruction; and we are convinced that the pharmacist of the future will, from a sense of duty, seek such advantages, and not be content with a superficial knowledge gleaned from quiz-compends, or imparted by tutors who guarantee for a consideration to supply answers to Board questions sufficient to enable persons to pass the required examination.

Consideration has been given to the matter of improving or correcting the register of pharmacists. Since the enactment of the laws fourteen years have elapsed, during which time 1,392 persons have qualified by examination and been duly registered, making a total number now registered of 3,916. As near as can be ascertained, there are about 2,600 registered pharmacists doing business as proprietors or clerks within the State. As suggested in previous reports, a correct list of persons actually engaged can be secured only by a renewal of certificates, which might be accomplished if authority were given, as a part and aid to the enforcement of the laws.

The recent amendment, whereby candidates are not allowed to be re-examined until after the expiration of three months, will be of benefit in enforcing longer intervals between examinations, and, as a result, insuring better preparation.

Practical work in the laboratory has not been undertaken, for the reason that the examination department cannot be self-sustaining, as hitherto, and afford time for laboratory work. If the laws were amended so that authority be given to expend a portion of the annual appropriation in that manner, the Board would be enabled, by examining a less number per day, to do more effective service, and give the candidates an opportunity to show their proficiency and skill in compounding; but,

in order to do practical work properly, additional room and larger laboratory conveniences would be necessary.

April 10, 1899, Mr. H. M. Whitney, who had served as president of the Board since its organization, in 1885, resigned. April 27, 1899, Mr. Charles F. Nixon was appointed to fill the vacancy existing. The Board reorganized by electing Mr. John Larrabee as president and Mr. Amos K. Tilden as secretary, the latter assuming charge of the office work.

EXAMINATION DEPARTMENT.

Meetings have been held for examinations on dates and with results as follows : —

1898-99.	Days.	Examined.	Registered.	Rejected.
October 4-5,	2	19	2	17
November 16-17,	2	32	3	29
December 14-15,	2	27	4	23
January 4-5,	2	27	1	26
February 7-9,	3	46	6	40
March 14-16,	3	37	8	29
April 18 and 20,	2	32	6	26
May 2-4,	3	43	5	38
May 24-26,	3	37	5	32
June 6-7,	2	22	4	18
June 27-28,	2	32	6	26
September 12-14,	3	26	1	25
Totals,	29	380	51	329

Of the 51 certificates granted this year : —

10 passed on first examination.	4 passed on seventh examination.
6 “ “ second “	1 “ “ eighth “
10 “ “ third “	2 “ “ ninth “
8 “ “ fourth “	1 “ “ twelfth “
5 “ “ fifth “	1 “ “ fourteenth “
3 “ “ sixth “	

FINANCIAL STATEMENT FROM OCT. 1, 1898, TO OCT. 1, 1899.

Oct. 1, 1899, cash in State treasury,	\$255 67
Received during the year:—	
Fees from applicants, 126 at \$5,	\$630 00
Fees from applicants, 276 at \$3,	828 00
	<u>\$1,458 00</u>
For twelve duplicate certificates,	12 00
	<u>1,470 00</u>
Total,	<u>\$1,725 67</u>

Expenditures.

	Services.	Expenses.*	Total.
H. M. Whitney (6 months),	\$70 00	\$20 37	\$90 37
F. H. Butler,	165 00	70 30	235 30
John Larrabee,	380 00	33 75	413 75
John A. Rice,	145 00	173 19	318 19
Amos K. Tilden,	185 00	17 88	202 88
C. F. Nixon,	70 00	29 90	99 90
	<u>\$1,015 00</u>	<u>\$345 39</u>	<u>\$1,360 39</u>
H. W. Stone (engrossing certificates),	\$10 60		
C. C. Hoffman & Co. (rubber stamps),	1 50		
J. L. Fairbanks & Co.,	2 00		
Wright & Potter Printing Company,	36 94		
Thompson & Hill (printing),	8 50		
Thorp & Martin Company,	3 10		
George C. Goodwin Company (drugs),	9 34		
C. F. Nixon (drugs),	4 65		
Whitall & Tatum (glass),	5 91		
			<u>82 54</u>
			<u>1,442 93</u>
Balance in State treasury,			\$282 74

Liabilities.

Applicants not examined, fees paid:—

Prior to Jan. 1, 1895:—

19 at \$5,	\$95 00
17 at \$3,	51 00
	<u>\$146 00</u>

From Jan. 1, 1895, to Oct. 1, 1899:—

25 at \$5,	\$125 00
62 at \$3,	186 00
	<u>311 00</u>

Total,	<u>\$457 00</u>
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* Including mileage.

LIQUOR CERTIFICATES.

The duties imposed by law in connection with the granting of liquor certificates are important and far-reaching in results, as, without the certificate of the Board, no license of the sixth class can be issued. The Board has maintained that the matter of keeping proper records of sales as required by the law should be an important factor in the making up of their judgment as to "proper person and promotion of public good." Much depends upon the enforcement of the liquor laws by local authorities. In many towns and some cities the books are not inspected regularly, and it is not surprising that our agent finds in such towns and cities poorly kept records, and occasionally none. The Board cannot endorse persons who disobey the law as being, in the language of the statute, "proper persons to be entrusted with such license," which necessitates the refusal or withholding of the certificate, even though the applicant has not been convicted of a criminal offence and has previously borne a good reputation, until assurances are received or evidence presented of their intention to obey the law in the future. Such a violation may be termed technical, but it is a violation; and he who fails to obey the law should not expect the same treatment as those who, often to their personal disadvantage, comply fully with its provisions.

Applications are frequently received from registered pharmacists who claim to have an interest as partners sufficient in amount to warrant the granting of a liquor certificate. In many instances an investigation reveals the fact that not a dollar has been invested by the applicants, the articles of copartnership often stating that they shall receive a weekly compensation for their services and retire when requested by the real owner, which request almost invariably follows a failure to obtain the certificate. To secure the needed information regarding these so-called partnerships requires much time of the agent and hearings before the Board. Fraud and misrepresentation of facts concerning ownership often largely determine final action.

Liquor Certificate Applications.

Applications received from Oct. 1, 1898, to March 1, 1899, to expire May 1, 1899,	60
Certificates granted,	38
Certificates rejected or withdrawn,	22
Applications received from March 1, 1899, to Oct. 1, 1899, to expire May 1, 1900,	1,219
Certificates granted,	1,081
Applications rejected or withdrawn,	136
Transferred to new account,	2
Total number of applications for the year,	1,279
Total number of certificates granted,	1,119
Total number of applications rejected or withdrawn,	158
Transferred to new account,	2
Fees received for liquor certificates,	\$1,279
Returned to rejected applicants or withdrawn,	\$158
Cash paid to State Treasurer,	1,119
Transferred to new account,	2
Number of meetings for liquor certificate work,	23
Number of hearings,	88

FINANCIAL STATEMENT FROM OCT. 1, 1898, TO OCT. 1, 1899.

	Services.	Expenses.*	Total.
H. M. Whitney (6 months),	\$580 00	\$110 40	\$690 40
F. H. Butler,	115 00	37 30	152 30
John Larrabee,	240 00	34 83	274 83
Amos K. Tilden,	417 50	24 75†	442 25
John A. Rice,	90 00	101 81	191 81
C. F. Nixon (6 months),	37 50	18 38	55 88
S. B. Harris, agent,	830 00	386 80	1,216 80
Lucie I. Barrett,	550 00	-	550 00
	<u>\$2,860 00</u>	<u>\$714 27</u>	<u>\$3,574 27</u>
Wyckoff, Seamans & Benedict,		\$9 00	
Press Clipping Bureau,		8 55	
J. L. Fairbanks & Co.,		6 00	
Wright & Potter Printing Company,		115 12	
A. S. Roe (year book),		3 00	
New England Telegraph and Telephone Company,		4 65	
Boston Pocket Manual,		1 00	
		<u>147 32</u>	
Total,			\$3,721 59

* Including mileage.

† Including witness fees (\$6.75).

ENFORCEMENT OF PHARMACY LAW.

Great care has been exercised in this department that no injustice should be done. Certificates have not been suspended or revoked until after full and complete hearings, at which the accused has had ample opportunity to disprove the facts alleged in the formal complaint.

SUMMARY.

Number of meetings for enforcement of pharmacy law,	9
Number of hearings on violations of pharmacy law,	20
Number of certificates revoked altogether,	3
Number of certificates suspended for twelve months,	8
Number of certificates suspended for six months,	7
Number of certificates suspended for thirty days,	1
Cases continued for sentence,	1
Formal complaints made to the Board,	27

FINANCIAL STATEMENT FROM OCT. 1, 1898, TO OCT. 1, 1899.

	Services.	Expenses.*	Total.
H. M. Whitney (6 months),	\$160 00	\$70 61	\$230 61
F. H. Butler,	50 00	16 02	66 02
John Larrabee,	60 00	11 18	71 18
Amos K. Tilden,	45 00	43 25†	88 25
John A. Rice,	27 50	10 29	37 79
C. F. Nixon (6 months),	30 00	11 27	41 27
S. B. Harris, agent,	750 00	391 15	1,141 15
Lucie I. Barrett,	190 00	—	190 00
	<hr/>	<hr/>	<hr/>
	\$1,312 50	\$553 77	\$1,866 27

Press Clipping Bureau,	\$17 30	
Thorp & Martin Company,	1 80	
C. C. Hoffman & Co.,	11 50	
Wright & Potter Printing Company,	16 55	
New England Telegraph and Telephone Company,	60	
	<hr/>	47 75
		<hr/>
Total,		\$1,914 02

We submit herewith our agent's annual summary. Monthly reports in detail have been made by him and are on file at the office.

* Including mileage.

† Including witness fees (\$37.85).

Meetings of the Board have been held as follows : —

Examinations,	29 sessions.
Enforcement of pharmacy law,	9 “
Granting of liquor certificates,	23 “
<hr/>	
Total,	61 “

Hearings granted : —

Violations of pharmacy law,	20
Granting liquor certificates,	88
<hr/>	
Total,	108

The office is open daily, for the convenience of the public and the transaction of business.

Respectfully submitted,

JOHN LARRABEE, *President.*

AMOS K. TILDEN, *Secretary.*

FREEMAN H. BUTLER.

JOHN A. RICE.

CHARLES F. NIXON.

AGENT'S REPORT.

BOSTON, MASS., Oct. 1, 1899.

To the Board of Registration in Pharmacy.

GENTLEMEN :— The following statistics and records, together with observations made by me as your agent, relating to the manner and conduct of the business of pharmacy during the past year, is herewith submitted.

Registered pharmacists who have died since last report : —

B. F. Aiken, . . .	Millbury.	Terrence F. Molloy, . . .	Lowell.
Augustus R. Bayley, . . .	Cambridge.	Frank S. Nash, . . .	Brockton.
E. P. Bryant, . . .	Boston.	Charles H. Pinkham, . . .	Lynn.
George Colton, . . .	Boston.	Felix Poisson, . . .	Lawrence.
Isaac T. Campbell, . . .	Boston.	Edgar V. Reynolds, . . .	Gardner.
James A. Dickerman, . . .	Taunton.	Henry Smith, . . .	Dedham.
E. J. H. Ferguson, . . .	Haverhill.	J. Ingliss Street, . . .	Malden.
H. E. Fraser, . . .	Chelsea.	John Stowell, . . .	Boston.
Charles E. Kettell, . . .	Boston.	Frank H. Tenney, . . .	Worcester.
Fred J. Lewis, . . .	Baldwinville.	Henry C. Thompson, . . .	Millbury.
W. Louis Lessig, . . .	Lawrence	Harry E. Wilkins, . . .	Stoughton.
George E. Meacom, . . .	Peabody.	Robert E. Willard, . . .	Pittsfield.

In the above list are the names of several who were pioneers in the business in this State, widely and favorably known for their fidelity and devotion to its best interests.

The pharmacy laws have been better observed than formerly, as evidenced by the records of the courts, by complaints made to the Board and by the inspection of your agent, who has found less stores being conducted without registered pharmacists ; and, as a result, greater protection has been afforded the public against incompetent persons.

A difficulty confronts the Board and endangers the public, over which the pharmacy laws have no control. In the discharge of my duties my attention has been called to about a score of persons, possessed with certificates of registration in pharmacy, who habitually use intoxicating liquors, and often

become intoxicated in their places of business. They are persons well known to me, and my personal observation confirms the fact that a whirling brain and unsteady hand should not be allowed to dispense drugs, medicines, chemicals and poisons. Such persons should engage in some other pursuit, where the responsibilities are less. The pharmacy laws do not take cognizance of cases of the above description, consequently no remedy is at hand, as far as the Board is concerned.

Another abuse of the following character has shown itself during the past year. In several localities persons who, on account of a desire to do business on the Lord's Day other than works of necessity or charity, have applied to the licensing board in their cities for a common victualler's license and been refused, open what to appearances are drug stores, employ registered pharmacists to keep the store open seven days in the week, and not for the sale of drugs and medicines. A certificate of registration is too valuable, and a registered pharmacist cannot afford the risk of its revocation or suspension by reason of aiding or abetting such persons in the conduct of an illegal business.

Throughout the State there are at the present time 1,583 drug stores. The following list indicates the number located in the various cities and towns, and also includes those towns in which there are no drug stores : —

Abington,	Plymouth County,	3
Acton,	Middlesex County,	—
Acushnet,	Bristol County,	—
Adams,	Berkshire County,	3
Agawam,	Hampden County,	—
Alford,	Berkshire County,	—
Amesbury,	Essex County,	7
Amherst,	Hampshire County,	3
Andover,	Essex County,	4
Arlington,	Middlesex County,	6
Ashburnham,	Worcester County,	1
Ashby,	Middlesex County,	—
Ashfield,	Franklin County,	—
Ashland,	Middlesex County,	1
Athol,	Worcester County,	6
Attleborough,	Bristol County,	3
Auburn,	Worcester County,	—
Avon,	Norfolk County,	1
Ayer,	Middlesex County,	2

Barnstable,	Barnstable County,	2
Barre,	Worcester County,	2
Becket,	Berkshire County,	1
Bedford,	Middlesex County,	1
Belchertown,	Hampshire County,	1
Bellingham,	Norfolk County,	—
Belmont,	Middlesex County,	2
Berkley,	Bristol County,	—
Berlin,	Worcester County,	—
Bernardston,	Franklin County,	—
Beverly,	Essex County,	9
Billerica,	Middlesex County,	—
Blackstone,	Worcester County,	3
Blandford,	Hampden County,	—
Bolton,	Worcester County,	—
Boston,	Suffolk County,	332
Bourne,	Barnstable County,	1
Boxborough,	Middlesex County,	—
Boxford,	Essex County,	—
Boylston,	Worcester County,	1
Braintree,	Norfolk County,	3
Brewster,	Barnstable County,	1
Bridgewater,	Plymouth County,	2
Brimfield,	Hampden County,	—
Brockton,	Plymouth County,	26
Brookfield,	Worcester County,	4
Brookline,	Norfolk County,	8
Buckland,	Franklin County,	—
Burlington,	Middlesex County,	—
Cambridge,	Middlesex County,	58
Canton,	Norfolk County,	5
Carlisle,	Middlesex County,	—
Carver,	Plymouth County,	—
Charlemont,	Franklin County,	—
Charlton,	Worcester County,	—
Chatham,	Barnstable County,	1
Chelmsford,	Middlesex County,	1
Chelsea,	Suffolk County,	18
Cheshire,	Berkshire County,	—
Chester,	Hampden County,	1
Chesterfield,	Hampshire County,	—
Chicopee,	Hampden County,	9
Chilmark,	Dukes County,	—
Clarksburg,	Berkshire County,	—
Clinton,	Worcester County,	9
Cohasset,	Norfolk County,	1
Colrain,	Franklin County,	—
Concord,	Middlesex County,	3

Conway,	Franklin County,	-
Cottage City,	Dukes County,	2
Cummington,	Hampshire County,	1
Dalton,	Berkshire County,	5
Dana,	Worcester County,	1
Danvers,	Essex County,	4
Dartmouth,	Bristol County,	-
Dedham,	Norfolk County,	3
Deerfield,	Franklin County,	1
Dennis,	Barnstable County,	2
Dighton,	Bristol County,	-
Douglas,	Worcester County,	1
Dover,	Norfolk County,	-
Dracut,	Middlesex County,	-
Dudley,	Worcester County,	-
Dunstable,	Middlesex County,	-
Duxbury,	Plymouth County,	1
East Bridgewater,	Plymouth County,	1
Eastham,	Barnstable County,	-
Easthampton,	Hampshire County,	3
East Longmeadow,	Hampden County,	1
Easton,	Bristol County,	2
Edgartown,	Dukes County,	1
Egremont,	Berkshire County,	-
Enfield,	Hampshire County,	-
Erving,	Franklin County,	-
Essex,	Essex County,	1
Everett,	Middlesex County,	10
Fairhaven,	Bristol County,	2
Fall River,	Bristol County,	42
Falmouth,	Barnstable County,	2
Fitchburg,	Worcester County,	22
Florida,	Berkshire County,	-
Foxborough,	Norfolk County,	2
Framingham,	Middlesex County,	8
Franklin,	Norfolk County,	2
Freetown,	Bristol County,	-
Gardner,	Worcester County,	8
Gay Head,	Dukes County,	-
Georgetown,	Essex County,	2
Gill,	Franklin County,	-
Gloucester,	Essex County,	17
Goshen,	Hampshire County,	-
Gosnold,	Dukes County,	-
Grafton,	Worcester County,	3

Granby,	Hampshire County,	-
Granville,	Hampden County,	-
Great Barrington,	Berkshire County,	5
Greenfield,	Franklin County,	6
Greenwich,	Hampshire County,	-
Groton,	Middlesex County,	1
Groveland,	Essex County,	1
Hadley,	Hampshire County,	-
Halifax,	Plymouth County,	-
Hamilton,	Essex County,	1
Hampden,	Hampden County,	-
Hancock,	Berkshire County,	-
Hanover,	Plymouth County,	1
Hanson,	Plymouth County,	-
Hardwick,	Worcester County,	-
Harvard,	Worcester County,	-
Harwich,	Barnstable County,	2
Hatfield,	Hampshire County,	-
Haverhill,	Essex County,	35
Hawley,	Franklin County,	-
Heath,	Franklin County,	-
Hingham,	Plymouth County,	3
Hinsdale,	Berkshire County,	1
Holbrook,	Norfolk County,	1
Holden,	Worcester County,	-
Holland,	Hampden County,	-
Holliston,	Middlesex County,	2
Holyoke,	Hampden County,	30
Hopedale,	Worcester County,	1
Hopkinton,	Middlesex County,	3
Hubbardston,	Worcester County,	1
Hudson,	Middlesex County,	4
Hull,	Plymouth County,	1
Huntington,	Hampshire County,	1
Hyde Park,	Norfolk County,	7
Ipswich,	Essex County,	4
Kingston,	Plymouth County,	1
Lakeville,	Plymouth County,	-
Lancaster,	Worcester County,	-
Lanesborough,	Berkshire County,	-
Lawrence,	Essex County,	33
Lee,	Berkshire County,	3
Leicester,	Worcester County,	1
Lenox,	Berkshire County,	3
Leominster,	Worcester County,	5

Leverett,	Franklin County,	-
Lexington,	Middlesex County,	2
Leyden,	Franklin County,	-
Lincoln,	Middlesex County,	-
Littleton,	Middlesex County,	-
Longmeadow,	Hampden County,	-
Lowell,	Middlesex County,	53
Ludlow,	Hampden County,	1
Lunenburg,	Worcester County,	-
Lynn,	Essex County,	48
Lynnfield,	Essex County,	-
Malden,	Middlesex County,	30
Manchester,	Essex County,	2
Mansfield,	Bristol County,	3
Marblehead,	Essex County,	4
Marion,	Plymouth County,	-
Marlborough,	Middlesex County,	15
Marshfield,	Plymouth County,	-
Mashpee,	Barnstable County,	-
Mattapoisett,	Plymouth County,	-
Maynard,	Middlesex County,	2
Medfield,	Norfolk County,	1
Medford,	Middlesex County,	8
Medway,	Norfolk County,	4
Melrose,	Middlesex County,	8
Mendon,	Worcester County,	-
Merrimack,	Essex County,	2
Methuen,	Essex County,	2
Middleborough,	Plymouth County,	2
Middlefield,	Hampshire County,	-
Middleton,	Essex County,	-
Milford,	Worcester County,	7
Millbury,	Worcester County,	4
Millis,	Norfolk County,	-
Milton,	Norfolk County,	3
Monroe,	Franklin County,	-
Monson,	Hampden County,	2
Montague,	Franklin County,	5
Monterey,	Berkshire County,	-
Montgomery,	Hampden County,	-
Mount Washington,	Berkshire County,	-
Nahant,	Essex County,	1
Nantucket,	Nantucket County,	2
Natick,	Middlesex County,	9
Needham,	Norfolk County,	3
New Ashford,	Berkshire County,	-
New Bedford,	Bristol County,	45

New Braintree, . . .	Worcester County, . . .	—
New Marlborough, . . .	Berkshire County, . . .	1
New Salem, . . .	Franklin County, . . .	—
Newbury, . . .	Essex County, . . .	—
Newburyport, . . .	Essex County, . . .	12
Newton, . . .	Middlesex County, . . .	26
Norfolk, . . .	Norfolk County, . . .	—
North Adams, . . .	Berkshire County, . . .	12
North Andover, . . .	Essex County, . . .	2
North Attleborough, . . .	Bristol County, . . .	3
North Brookfield, . . .	Worcester County, . . .	2
North Reading, . . .	Middlesex County, . . .	—
Northampton, . . .	Hampshire County, . . .	9
Northborough, . . .	Worcester County, . . .	2
Northbridge, . . .	Worcester County, . . .	2
Northfield, . . .	Franklin County, . . .	2
Norton, . . .	Bristol County, . . .	—
Norwell, . . .	Plymouth County, . . .	—
Norwood, . . .	Norfolk County, . . .	3
Oakham, . . .	Worcester County, . . .	—
Orange, . . .	Franklin County, . . .	4
Orleans, . . .	Barnstable County, . . .	2
Otis, . . .	Berkshire County, . . .	—
Oxford, . . .	Worcester County, . . .	1
Palmer, . . .	Hampden County, . . .	5
Paxton, . . .	Worcester County, . . .	—
Peabody, . . .	Essex County, . . .	6
Pelham, . . .	Hampshire County, . . .	—
Pembroke, . . .	Plymouth County, . . .	—
Pepperell, . . .	Middlesex County, . . .	2
Peru, . . .	Berkshire County, . . .	—
Petersham, . . .	Worcester County, . . .	1
Phillipston, . . .	Worcester County, . . .	—
Pittsfield, . . .	Berkshire County, . . .	11
Plainfield, . . .	Hampshire County, . . .	—
Plymouth, . . .	Plymouth County, . . .	5
Plympton, . . .	Plymouth County, . . .	—
Prescott, . . .	Hampshire County, . . .	—
Princeton, . . .	Worcester County, . . .	—
Provincetown, . . .	Barnstable County, . . .	3
Quincy, . . .	Norfolk County, . . .	8
Randolph, . . .	Norfolk County, . . .	3
Raynham, . . .	Bristol County, . . .	—
Reading, . . .	Middlesex County, . . .	3
Rehoboth, . . .	Bristol County, . . .	—
Revere, . . .	Suffolk County, . . .	5

Richmond,	Berkshire County,	-
Rochester,	Plymouth County,	-
Rockland,	Plymouth County,	3
Rockport,	Essex County,	3
Rowe,	Franklin County,	-
Rowley,	Essex County,	1
Royalston,	Worcester County,	-
Russell,	Hampden County,	-
Rutland,	Worcester County,	-
Salem,	Essex County,	26
Salisbury,	Essex County,	-
Sandisfield,	Berkshire County,	-
Sandwich,	Barnstable County,	1
Saugus,	Essex County,	3
Savoy,	Berkshire County,	-
Scituate,	Plymouth County,	1
Seekonk,	Bristol County,	-
Sharon,	Norfolk County,	1
Sheffield,	Berkshire County,	1
Shelburne,	Franklin County,	2
Sherborn,	Middlesex County,	-
Shirley,	Middlesex County,	-
Shrewsbury,	Worcester County,	-
Shutesbury,	Franklin County,	-
Somerset,	Bristol County,	-
Somerville,	Middlesex County,	32
South Hadley,	Hampshire County,	2
Southampton,	Hampshire County,	1
Southborough,	Worcester County,	-
Southbridge,	Worcester County,	6
Southwick,	Hampden County,	-
Spencer,	Worcester County,	6
Springfield,	Hampden County,	39
Sterling,	Worcester County,	-
Stockbridge,	Berkshire County,	2
Stoneham,	Middlesex County,	4
Stoughton,	Norfolk County,	4
Stowe,	Middlesex County,	-
Sturbridge,	Worcester County,	2
Sudbury,	Middlesex County,	-
Sunderland,	Franklin County,	-
Sutton,	Worcester County,	1
Swampscott,	Essex County,	2
Swansey,	Bristol County,	-
Taunton,	Bristol County,	13
Templeton,	Worcester County,	2
Tewksbury,	Middlesex County,	-

Tisbury,	Dukes County,	2
Tolland,	Hampden County,	—
Topsfield,	Essex County,	1
Townsend,	Middlesex County,	1
Truro,	Barnstable County,	1
Tyngsborough,	Middlesex County,	—
Tyringham,	Berkshire County,	—
Upton,	Worcester County,	1
Uxbridge,	Worcester County,	2
Wakefield,	Middlesex County,	5
Wales,	Hampden County,	—
Walpole,	Norfolk County,	2
Waltham,	Middlesex County,	15
Ware,	Hampshire County,	5
Wareham,	Plymouth County,	3
Warren,	Worcester County,	3
Warwick,	Franklin County,	—
Washington,	Berkshire County,	—
Watertown,	Middlesex County,	6
Wayland,	Middlesex County,	2
Webster,	Worcester County,	4
Wellesley,	Norfolk County,	2
Wellfleet,	Barnstable County,	—
Wendell,	Franklin County,	—
Wenham,	Essex County,	1
West Boylston,	Worcester County,	2
West Bridgewater,	Plymouth County,	1
West Brookfield,	Worcester County,	1
West Newbury,	Essex County,	—
West Springfield,	Hampden County,	3
West Stockbridge,	Berkshire County,	1
West Tisbury,	Dukes County,	—
Westborough,	Worcester County,	4
Westfield,	Hampden County,	5
Westford,	Middlesex County,	—
Westhampton,	Hampshire County,	—
Westminster,	Worcester County,	—
Weston,	Middlesex County,	—
Westford,	Bristol County,	—
Westwood,	Norfolk County,	—
Weymouth,	Norfolk County,	7
Whately,	Franklin County,	—
Whitman,	Plymouth County,	4
Wilbraham,	Hampden County,	1
Williamsburg,	Hampshire County,	1
Williamstown,	Berkshire County,	4
Wilmington,	Middlesex County,	—

Winchendon, . . .	Worcester County, . . .	2
Winchester, . . .	Middlesex County, . . .	4
Windsor, . . .	Berkshire County, . . .	-
Winthrop, . . .	Suffolk County, . . .	3
Woburn, . . .	Middlesex County, . . .	8
Worcester, . . .	Worcester County, . . .	60
Worthington, . . .	Hampshire County, . . .	-
Wrentham, . . .	Norfolk County, . . .	1
Yarmouth, . . .	Barnstable County, . . .	1

During the past year my duties have called me to every portion of the State where drug stores are located, and to many cities and towns several times. Complaints made to the Board have been investigated, and, where a disposition has been shown to honestly comply with the provisions of the pharmacy laws, prosecutions have not followed. In cases where forbearance has ceased to be a virtue, prosecutions have been made necessary in order to protect the public and create a proper respect and observance of the pharmacy law.

RECAPITULATION.

Whole number of cities and towns in the Commonwealth, . .	353
Number of cities and towns where drug stores are located, . .	207
Number of towns without any drug store,	146
Number of visits to cities and towns,	357
Number of inspections made of drug stores,	1,578
Number of complaints made to local authorities,	34
Number of druggists prosecuted,	32
Number of druggists convicted,	31
Amount of fines imposed and paid,	\$2,250
Number of complaints made to the Board and investigated, . .	67
Number of formal complaints made to the Board,	27
Number of drug stores closed,	36
Number of drug stores found doing business without any registered person in charge,	13
Number of sixth-class licenses revoked,	7

By comparing this recapitulation with my report one year ago, you will observe that there is a marked change for the better, not caused by any extra endeavors put forth by your agent, but by a desire, on the part of the druggists themselves, to comply with the law.

The percentage which still requires the observation of the police authorities and the Board is yearly growing less, but

laws of every form will be violated in some degree by those viciously disposed, to which the pharmacy laws are no exception.

To those throughout the Commonwealth who have assisted me during the past year in the performance of my duties as your agent, my appreciation and thanks are due and are herewith extended.

Respectfully submitted,

SIMON B. HARRIS,

Agent.

L A W S

RELATING TO

THE PRACTICE OF PHARMACY

IN

MASSACHUSETTS.

1899.

LAWS RELATING TO PHARMACY.

[CHAPTER 397, ACTS OF 1896, AS AMENDED BY THE ACTS OF 1898 AND 1899.]

AN ACT TO REGULATE THE PRACTICE OF PHARMACY.

Be it enacted, etc., as follows :

SECTION 1. The board of registration in pharmacy shall consist of five persons. The appointments to fill vacancies occurring from expiration of terms of office shall be for five years from the first day of October in each year, and no person shall hereafter serve as a member of said board for more than five years, consecutively,—providing that the present members of said board shall continue to hold their offices during the terms for which they were severally appointed. The appointments to said board shall be made by the governor with the advice and consent of the council, and only skilled pharmacists, resident in the Commonwealth, who have had ten consecutive years of practical experience in the compounding and dispensing of physicians' prescriptions and actively engaged in the drug business, shall be eligible, and not more than one member of said board shall be interested in the sale of drugs, medicines and chemicals and the compounding and dispensing of physicians' prescriptions in the same councillor district. Any member of said board may be removed from office for cause by the governor.

SECTION 2. The members of said board shall meet on the first Tuesday of October in each year at such time and place as they may determine, and shall immediately proceed to organize by electing a president and secretary, who shall be members of the board, and who shall hold their respective offices for the term of one year. The secretary shall give to the treasurer and receiver general of the Commonwealth a bond with sufficient sureties, to be approved by the governor and council, for the faithful discharge of the duties of his office. The said board shall hold three regular meetings in each year, one on the first Tuesday of January, one on the first Tuesday of May and one on the first Tuesday of October, and such additional meetings at such times and places as they shall determine.

SECTION 3. The compensation, incidental and travelling expenses of the board shall be paid from the treasury of the Commonwealth.

The compensation of the members of the board shall be five dollars each for every day actually spent in the discharge of their duties and the amount actually paid by them for 'necessary travelling expenses in attending the meetings of the board, but in no case exceeding three cents per mile each way. The bills for such compensation and their incidental and travelling expenses shall be approved by the board and sent to the auditor of the Commonwealth, who shall certify to the governor and council the amounts due as in case of other bills and accounts approved by him under the provisions of law. So much of the receipts from examinations as may be necessary for the compensation and expenses of the board, as aforesaid, is hereby appropriated, in addition to any amount authorized by the legislature for the purposes of this act.

SECTION 4. The board shall keep a record of the names of all persons examined and registered hereunder, and a record of all moneys received and disbursed by said board, a duplicate of which records shall always be open to inspection in the office of the secretary of the Commonwealth. Said board shall make to the governor on or before the first day of January in each year a report stating the condition of pharmacy in the state, with a full and complete record of all its official acts during the year, and the receipts and disbursements of the board.

REGISTRATION OF PHARMACISTS.

SECTION 5. Any person desiring to do business as a pharmacist shall, upon payment of a fee of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist, and shall receive a certificate signed by the president and secretary of said board.

Any person may be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of a fee of three dollars. All fees received by the board under this act shall be paid by the secretary of the board into the treasury of the Commonwealth.

SECTION 6. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 7. Said board shall hear all applications by registered pharmacists for the granting of sixth class licenses, whenever such hearing is required by the applicant, and all complaints made to them against any person registered as a pharmacist, charging him with suffering or permitting the use of his name or his certificate of registration by others in the conduct of the business of pharmacy when he himself is not the owner and actively engaged in such business;

engaging in, aiding or abetting the violation or, in his business as a pharmacist, violating any of the laws of the Commonwealth now under the supervision of the board of registration in pharmacy, and especially the laws relating to the sale of intoxicating liquor. Such complaint shall be under oath, shall set out the offence alleged, and shall be made within fifteen days of the date of the act complained of.

SECTION 8. Said board shall notify the person complained against of the charge made against him and of the time and place when and where the matter will be heard by them. He may then and there appear before the board with his witnesses and be heard by counsel. Any three of the members of the board shall be a quorum for such hearing. Either member of the board may administer oaths to the witnesses at such hearing, and any person so sworn who wilfully swears or affirms falsely respecting any matter upon which his testimony is required shall be deemed guilty of perjury. Said board shall have the power to send for persons and compel the attendance of witnesses at said hearings, by process duly served.

SECTION 9. If the full board sitting at such hearing shall find that the person complained against is guilty of the acts charged against him said board may suspend his registration as a pharmacist and his certificate thereof, for such term as the board in their judgment, after due consideration of the facts, may deem for the best interest of the public, or may revoke it altogether, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after conviction by a court of competent jurisdiction.

SECTION 10. No license for the sale of spirituous or intoxicating liquors, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more such licenses shall be granted annually by the board of license commissioners of cities, the board of police of the city of Boston, or the selectmen of towns, to retail druggists or apothecaries, if it shall appear that the applicant is a fit person to receive such license, is not disqualified to receive the same under section sixteen of this act, and is a registered pharmacist actively engaged in business on his own account, and if he shall also present to the licensing board a certificate of fitness as provided in section eleven of this act. Retail druggists and apothecaries shall not be subject to the second clause of section nine of chapter one hundred of the Public Statutes when the sale is made, as hereinafter provided, upon the prescription of a physician.

SECTION 11. The state board of registration in pharmacy may issue to applicants for licenses of the sixth class to sell intoxicating liquor a certificate, which shall not be valid after the expiration of one year from its date, stating that in the judgment of said board he

is a proper person to be entrusted with such license and that the public good will be promoted by the granting of said license. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. Such complaints shall be in writing, specifying the reason, if any, why a certificate should be withheld. For each certificate so granted by the board of registration in pharmacy said board shall be entitled to receive a fee not exceeding one dollar, to be paid by the applicant.

SECTION 12. Any license for the sale of intoxicating liquor, of the sixth class, shall become null and void, without any process or decree, whenever the registered pharmacist to whom it has been granted shall cease to conduct his business in person and on his own account, or upon the revocation of his registration as such pharmacist and of his certificate thereof, excepting cases where the registered pharmacist has died or become incapacitated, and his business is continued by his widow, executor or administrator, under a registered pharmacist.

SECTION 13. Sales of intoxicating liquor of any kind by retail druggists and apothecaries, for medicinal, mechanical or chemical purposes, shall be made only upon the certificate of the purchaser, which certificate shall state the use for which the same is wanted, and shall be immediately cancelled at the time of such sale in such manner as to show the date of cancellation.

SECTION 14. A book shall be kept by every retail druggist and apothecary in which he shall enter at the time of every such sale the date thereof, the name of the purchaser, who shall also sign his name in said book as part of said entry, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is also made upon the prescription of a physician the book shall also contain the name of the physician and state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows : —

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.	Signature of Purchaser.
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SECTION 15. The book, certificates and prescriptions before provided for or referred to, shall at all times be open in the city of Boston to the inspection of the board of police, and in all the cities

and towns of the Commonwealth to the inspection of the mayor and aldermen, board of license commissioners, selectmen, overseers of the poor, sheriff, constables, police officers, and justices of the peace.

SECTION 16. Any person making or issuing a false or fraudulent certificate or prescription referred to in sections thirteen or fourteen of this act may be prosecuted therefor, and upon conviction may be fined ten dollars. Any retail druggist or apothecary violating any of the provisions of sections thirteen, fourteen and fifteen of this act shall, upon conviction thereof, be punished by fine of not less than fifty nor more than five hundred dollars, or imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment. He shall in addition to said penalties forfeit his license and be disqualified to hold a license for the period of one year after his conviction, and if the licensee is the owner of the premises no license shall be exercised on the premises described in the forfeited license during the residue of the term thereof.

SECTION 17. Any person not being a registered pharmacist who shall procure a sixth class license for the sale of intoxicating liquors, in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall by himself or his servants sell intoxicating liquor, shall upon conviction thereof be fined not less than fifty dollars nor more than five hundred dollars, and imprisoned in the house of correction for a term of not less than one month nor more than six months, and the provisions of section eight of chapter two hundred and fifteen of the Public Statutes shall not apply to such sentence.

SECTION 18. Whoever not being registered as aforesaid shall, by himself or his agent or servant, unless such agent or servant is so registered, retail, compound for sale or dispense for medicinal purposes, or shall keep or expose for sale, drugs, medicines, chemicals or poisons, except as provided in section twenty-three of this act, shall be punished by a fine not exceeding fifty dollars. But nothing in this act shall be construed to prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

SECTION 19. Whoever fraudulently adulterates, for the purpose of sale, any drug or medicine, or sells any fraudulently adulterated drug or medicine, knowing the same to be adulterated, shall be punished by imprisonment in a jail not exceeding one year, or by fine not exceeding four hundred dollars; and such adulterated drugs and medicines shall be forfeited, and destroyed under the direction of the court.

SECTION 20. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral, hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, Me-Munn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parson's vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall keep a record of such sale, the name and quantity of the article sold, and the name and residence of the person or persons to whom it was delivered, which record shall be made before the article is delivered, and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except on the prescription of a physician. Whoever neglects to keep or refuses to show to said officers such record shall be punished by fine not exceeding fifty dollars. Whoever sells any of the poisonous articles named in this section without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper, upon which shall be printed in large black letters the word, Poison, and also the word, Antidote, and the name and place of business of the vendor. The name of an antidote, if there be any, for the poison sold, shall also be upon the label. Every neglect to affix such label to such poisonous article before the delivery thereof to the purchaser shall be punished by fine not exceeding fifty dollars. Whoever purchases poisons as aforesaid and gives a false or fictitious name to the vendor shall be punished by fine not exceeding fifty dollars. But nothing in this act shall be construed to apply to wholesale dealers and to manufacturing chemists in their sales to the retail trade, nor to the general merchant, who may sell in unbroken packages containing not less than one quarter of a pound, Paris green, London purple, or other arsenical poisons for the sole purpose of destroying potato bugs or other insect life upon plants, vines or trees: *provided*, that such merchant complies with the provisions of this section in respect to recording such sale and labelling each package sold.

GENERAL PROVISIONS.

SECTION 21. It shall be the duty of the board of registration in pharmacy to investigate all complaints of disregard, non-compliance with, or violation of, the provisions of this act, and to bring all such

cases to the notice of the proper prosecuting officers, and especially to prosecute all persons violating section seventeen of this act.

SECTION 22. In order properly to carry out the provisions of this act the board of registration in pharmacy may expend annually a sum not exceeding two thousand dollars, and an itemized statement of all expenses incurred shall be filed with the auditor of the Commonwealth, who, after they have been properly approved, shall allow them in the same manner as other claims against the Commonwealth.

SECTION 23. This act shall not apply to physicians putting up their own prescriptions or dispensing medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any member of a copartnership, other than a registered pharmacist, be liable to the penalties hereof: *provided*, that such non-registered member shall not retail, compound for sale or dispense for medicinal purposes, drugs, medicines, chemicals or poisons, except under the personal supervision of a registered pharmacist.

SECTION 24. Sections five and six of chapter two hundred and eight of the Public Statutes, chapter three hundred and thirteen of the acts of the year eighteen hundred and eighty-five, chapters two hundred and sixty-seven and four hundred and thirty-one of the acts of the year eighteen hundred and eighty-seven, chapter two hundred and nine of the acts of the year eighteen hundred and eighty-eight, chapters two hundred and twenty-seven and four hundred and seventy-two of the acts of the year eighteen hundred and ninety-three, and chapter four hundred and thirty-five of the acts of the year eighteen hundred and ninety-four, are hereby repealed. [*Approved May 15, 1896.*]

FIFTEENTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION
IN PHARMACY

FOR THE YEAR 1900.

BOSTON :
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.

1901.

W.

Commonwealth of Massachusetts.

REPORT.

BOSTON, MASS., Oct. 1, 1900.

To His Excellency W. MURRAY CRANE, *Governor*.

SIR : — In accordance with custom and as provided by statute, we present our fifteenth annual report for the year ending Oct. 1, 1900, showing “the condition of pharmacy in the State,” and more particularly our labors in connection therewith.

That pharmacists have seriously suffered from unjust taxation and cut-rate competition cannot be denied ; it is not our province to discuss or enlarge upon these problems. We have strong hopes that relief is near at hand, and that the government will soon readjust the stamp tax, placing the burden where it can be more equitably borne and where protection is afforded, and that a fair remuneration may be given those who toil in a profession requiring special skill and having to do with the agents of life and death.

Looking backward through the years since the organization of the Board, we perceive advancement has been made in the professional standing and in the qualifications of pharmacists, largely due to the excellent opportunities afforded within our own State for pharmaceutical instruction, and to the maintenance of a standard to which all must attain before being legally qualified to engage in the business or profession. We would emphasize the need of a proper preliminary education for all persons entering the business and desiring or intending to become pharmacists. Every young man or woman should seize the opportunity so generously afforded by our public school system for a high school education. Instances not a few have

come to our observation where persons who have omitted so to do have toiled through a period of years only to find the coveted prize raised still higher, and more basic knowledge required. Latin prescriptions cannot be translated without a knowledge of the language, neither can chemical problems be solved without mathematical knowledge.

PRACTICAL OR LABORATORY WORK.

It has long been our desire, in connection with our examinations, to test the skill of candidates in compounding prescriptions, and ascertain their fitness by laboratory work. Owing to the expense involved, we have not felt justified in beginning same when comparison was made with our receipts. The evident intent of the law when first enacted was that the educational department of our work should be self-supporting, the fees paid meeting the expenses, necessitating the examination of a larger number each day than was consistent or proper. The appropriation withheld during the early months of the last session of the Legislature, and afterward granted, will enable us to properly equip and furnish the rooms, and soon candidates will be required to demonstrate their fitness by practical work performed in the presence of one or more members of the Board.

PHARMACY LAWS.

The American Pharmaceutical Association has had under consideration since 1869 the drafting of a general form of pharmacy law. Committees have been appointed to consult with boards of pharmacy and pharmaceutical associations in the United States and Canada. Their reports and drafts have been printed, widely circulated and discussed at the annual meetings of the association, until, at their last session, a "Model Law" was submitted by Prof. J. H. Beal of Scio, O., who frankly stated that he presented a workable draft, conservative in tone, embodying certain general principles and constructed as nearly as possible of tried and tested material, selected from statutes now in force, whose provisions have stood the test of experience and produced beneficial results in practice. This final draft was accepted by the association. Among its important provisions are : —

First. — It shall be unlawful for any person not licensed as a pharmacist, within the meaning of the act, to *own*, conduct or manage any pharmacy, drug or chemical store, apothecary shop or other place of business for the retailing, compounding or dispensing of any drugs, chemicals or poisons, or for the compounding of physicians' prescriptions, or to keep exposed for sale at retail any drugs, chemicals or poisons, except as specially provided; which special provisions are for aids or assistants to registered pharmacists, for the non-interference with any legally registered practitioner of medicine or dentistry in compounding their own prescriptions or supplying their patients, or with the exclusively wholesale business of any dealer registered as a pharmacist or keeping in his employ at least one person so registered, or with the sale of non-poisonous domestic remedies, patent or proprietary preparations containing poisonous ingredients, or the sale of poisonous substances sold exclusively for use in the arts or for insecticides, if sold in unbroken packages labelled "Poison," and having the names of at least two readily obtainable antidotes. Further provision is made for villages of not more than five hundred inhabitants, whereby the Board of Pharmacy may grant permits to persons to conduct a store or sell such drugs and medicines as in their judgment may be required.

The laws of this State are nearly in accord with the above. The amendment to the law enacted at the last session of the Legislature prohibits persons not registered as pharmacists from selling or dispensing or keeping or exposing for sale at retail drugs, medicines or chemicals.

Second. — Certain requirements as to age and experience are established, which must be verified under oath before applicants can appear for examination before a board. When certificates are granted, they are for a limited period.

In this particular the laws of our State are defective. Since the enactment of the original pharmacy law, in 1885, to Oct. 1, 1900, 3,953 certificates have been issued. To our best knowledge, about 2,500 of these certificates are in use. Our agent is constantly finding certificates displayed, the persons owning the same either being deceased or having retired or forsaken the business, leaving behind their certificates, which are sometimes used by unscrupulous persons for illegal pur-

poses. We therefore earnestly recommend a re-registration of all persons now engaged in the practice of pharmacy, — not a *re-examination*, but a *renewal of certificates*; and that when issued they shall be for a limited period, — either two, three or five years from date, — thus providing for the future. This can be accomplished by charging a nominal fee sufficient to defray expenses, or by an appropriation by the State. The benefit resulting to the general public would, we believe, justify the latter.

Third. — Discretionary power is given boards whereby they may refuse to grant a certificate to any person guilty of felony or gross immorality, or who is addicted to the use of alcoholic liquors or narcotic drugs to such an extent as to render him unfit to practise pharmacy. They may also, after due notice and hearing, revoke a license for like cause, or any license procured by fraud. The right of appeal from the action of the Board in refusing to grant or in revoking a certificate for such cause is provided for by taking the same to the Governor or Attorney-General, whose decision, either affirming or overruling the action of the Board, is final.

Under section 9 of the Massachusetts law, power is now given to suspend or revoke certificates, as may be decided for the best interest of the public. This power to revoke has been exercised in 27 cases in seven years. In most of these cases, aside from the offence committed, evidence was produced showing confirmed habits of life which unfitted them for the practice of pharmacy, and in the judgment of the Board the public good demanded such action. Necessarily the facts in such cases are withheld from the public. The evidence taken by a stenographer is on file in the office, but is not considered as public records. Whenever there has been a reasonable prospect of a reform in habits or conduct, the matter has received due consideration. But three certificates have been revoked during the past year.

Concerning the Sale of Poisons. — A more extended list is embraced, and patent articles are not recognized by name, but included as poisonous compounds, preparations or combinations of certain poisons, which are specified and enumerated. A wise provision is made that books of record of sales shall be preserved at least five years, which also applies to the preser-

vation of the original of every prescription compounded or dispensed for the same length of time.

Other general provisions, such as making unlawful peddling or vending in the street any drug, medicine or chemical, or any combination or composition thereof, or any implement of appliance or other agency for the treatment of disease. The exhibition of the title of pharmacist or any other title or description of like import, not being authorized so to do, is also unlawful. Penalties are provided for violations, and any license permit or renewal thereof obtained through fraud or by false or fraudulent representations is made void and of no effect in law.

We have made this extended reference, having in mind possible improvements in the pharmacy laws of this State. We have not overlooked the fact that our present laws have in them much to commend, nor the results obtained therefrom.

ENFORCEMENT OF THE PHARMACY LAW.

In the discharge of the duties of this and the liquor certificate department, we have been ably assisted and faithfully served by our agent. His annual tour of the State has brought him into close contact with pharmacists. He has conducted his investigations in a fair, open, honorable manner. "Spotter evidence," as it is termed, has not been sought by him or desired by the Board.

In these days of enlightenment we realize that ignorance of the law is no excuse. We can, however, attribute much of the ready compliance to the provisions of the pharmacy law to the information imparted by our agent concerning changes in legislation affecting their duties, which might otherwise have escaped notice.

REGISTRATION OF SALES OF LIQUOR.

The law requires that sales of intoxicating liquor of any kind (which includes alcohol) by retail druggists and apothecaries, for medicinal, mechanical or chemical purposes, shall be made only upon the certificate of the purchaser, which certificate shall state the use for which the same is wanted, and shall be immediately cancelled at the time of such sale in such manner as to show the date of cancellation (section 13, chapter 397,

Acts of 1896). It also requires that there shall be a book of record, the form of which is also provided (see section 14 of same chapter).

The intent of the law was that there should be a certificate, which is in the form of an application. After cancellation and completion of the sale, it was to be entered in a book of record, the purchaser signing the book as part of the entry. The practice of having a book combining the two, as a matter of convenience, is almost universal. The failure to have the customer sign in two places, viz., the application and receipt for the purchase, leaves the record or certificate incomplete, and the otherwise law-abiding pharmacist is considered blameworthy, his records being incomplete. He is liable to be reprimanded by officers, courts and possibly by the Board granting certificate of fitness, and by reason of such omission considered an unfit person to receive and exercise the privilege of a sixth-class license. A full and complete record of the transaction should be made. The customer should sign the book of record as a part of the entry.

We can see no good reason for maintaining a law requiring certificates in addition to the record, the law being of little or no effect, and an annoyance to worthy people, who fail to understand why they should sign twice in the same book; and to the pharmacist, who now has difficulty in obtaining signatures, many reputable persons refusing to sign until the law is explained to them as being imperative and the completion of the record absolutely necessary. The dishonest and unworthy are not so particular, and will sign any number of times to secure what they desire.

The report of the secretary of the Board, showing date of meetings and the receipts and expenditures of the different departments, is herewith inserted.

SECRETARY'S REPORT.

Examination Account.

Meetings for examinations have been held on dates and with results as follows : —

1899-1900.	Days.	Examined.	Registered.	Rejected.
October 3-4,	2	23	2	21
November 14-15,	2	26	3	23
January 2-3-4,	3	32	2	30
February 20-21,	2	28	6	22
March 20-21,	2	29	6	23
April 17-18,	2	27	3	24
May 1,	1	15	1	14
May 15-16,	2	22	1	21
June 5-6,	2	27	3	24
June 25-26-27,	3	48	7	41
September 18-19,	2	29	3	26
Totals,	23	306	37	269

Of the thirty-seven certificates granted this year : —

2 passed on first examination.	1 passed on seventh examination.
15 " " second "	3 " " eighth "
5 " " third "	1 " " ninth "
4 " " fourth "	2 " " tenth "
4 " " fifth "	

FINANCIAL STATEMENT FROM OCT. 1, 1899, TO OCT. 1, 1900.

Oct. 1, 1899, cash in State treasury, \$282 74

Received during the year : —

Fees from applicants, 107 at \$5, \$535 00

Fees from applicants, 212 at \$3, 636 00

For duplicate certificates, 7 00

1,178 00

Total, \$1,460 74

Expenditures.

	Services.	Expenses.	Total.
John Larrabee, president, . . .	\$105 00	\$19 72	\$124 72
Amos K. Tilden, secretary, . . .	217 50	14 06	231 56
F. H. Butler,	105 00	52 30	157 30
John A. Rice,	65 00	87 27	152 27
Charles F. Nixon,	140 00	61 40	201 40
	<hr/>	<hr/>	<hr/>
	\$632 50	\$234 75	\$867 25

A. K. Tilden, drugs, stamps, etc., . . .	\$13 93	
C. F. Nixon, drugs,	3 90	
J. L. Fairbanks & Co.,	10 00	
J. L. Hammett & Co.,	10 00	
Wright & Potter Printing Company, . . .	36 71	
H. W. Stone, engrossing certificates, . .	5 10	
E. L. Patch Company, drugs,	6 72	
Thompson & Hill, printing,	5 25	
	<hr/>	91 61
		<hr/>
		\$958 86
		<hr/>
Balance in State treasury,		\$501 88

Liabilities.

Applicants not examined, fees paid:—

Prior to Oct. 1, 1899:—

39 at \$5,	\$195 00	
48 at \$3,	144 00	
	<hr/>	\$339 00

From Oct. 1, 1899, to Oct. 1, 1900:—

17 at \$5,	\$85 00	
22 at \$3,	66 00	
	<hr/>	151 00

Total,	<hr/>	\$490 00
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Liquor Certificate Applications.

Applications received from Oct. 1, 1899, to March 1, 1900, to expire May 1, 1900,	56
Certificates granted,	27
Applications rejected or withdrawn,	29

Applications received from March 1, 1900, to Oct. 1, 1900, to expire May 1, 1901,	1,250
Certificates granted,	1,104
Applications refused or withdrawn,	143
Transferred to new account,	3

Total number of applications for the year,	1,306
Total number of certificates granted,	1,131
Total number of applications rejected or with- drawn,	172
Transferred to new account,	3
Received for liquor certificates,	\$1,306 00
Returned to rejected applicants,	\$172 00
Paid to State Treasurer,	1,131 00
Transferred,	3 00

FINANCIAL STATEMENT FROM OCT. 1, 1899, TO OCT. 1, 1900.

	Services.	Expenses.	Total.
John Larrabee, president,	\$327 50	\$32 21	\$359 71
Amos K. Tilden, secretary,	617 50	20 57	638 07
F. H. Butler,	80 00	30 20	110 20
John A. Rice,	25 00	45 74	70 74
Charles F. Nixon,	75 00	35 10	110 10
Simon B. Harris, agent,	785 00	379 52	1,164 52
Lucie I. Barrett,	570 00	—	570 00
	<hr/>	<hr/>	<hr/>
	\$2,480 00	\$543 34	\$3,023 34

A. K. Tilden, witness fees,	\$24 75	
Press Clipping Bureau,	10 95	
Wyckoff, Seamans & Benedict,	13 90	
New England Telegraph and Telephone Company,	4 05	
Wright & Potter Printing Company,	2 88	
Sampson, Murdock & Co.,	5 00	
J. L. Fairbanks & Co.,	30 63	
Spatula Publishing Company,	15 00	
	<hr/>	107 16
Total,		\$3,130 50
Meetings on liquor certificate applications,		23
Hearings on liquor certificate applications,		85

Enforcement of Pharmacy Law.

SUMMARY.

Number of meetings for enforcement of pharmacy law,	11
Number of hearings on violations of pharmacy law,	14
Number of certificates revoked altogether,	3
Number of certificates suspended for five years,	1
Number of certificates suspended for two years,	1
Number of certificates suspended for one year,	2
Number of certificates suspended for six months,	3
Number of certificates suspended for sixty days,	1
Number of cases placed on file,	1
Number of cases continued for sentence,	2
Formal complaints to the Board,	33

FINANCIAL STATEMENT FROM OCT. 1, 1899, TO OCT. 1, 1900.

	Services.	Expenses.	Total.
John Larrabee, president, . . .	\$40 00	\$7 62	\$47 62
Amos K. Tilden, secretary, . . .	170 00	6 00	176 00
F. H. Butler,	50 00	23 00	73 00
John A. Rice,	15 00	25 35	40 35
Charles F. Nixon,	75 00	65 30	140 30*
Lucie I. Barrett,	150 00	—	150 00
Simon B. Harris, agent,	810 00	366 26	1,176 26

\$1,310 00	\$493 53	\$1,803 53
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A. K. Tilden, witness fees,	\$59 80	
J. L. Fairbanks & Co.,	2 00	
F. S. Blanchard & Co., Year Book,	3 00	
Wright & Potter Printing Company,	2 25	
	<hr/>	67 05
Total,	<hr/>	\$1,870 58

We submit the report of our agent as a part of this report.

The office has been open daily, and meetings held by the Board whenever required, for hearings, the examination of candidates and the despatch of business.

Respectfully submitted,

JOHN LARRABEE, *President.*
 AMOS K. TILDEN, *Secretary.*
 JOHN A. RICE.
 F. H. BUTLER.
 C. F. NIXON.

* Expenses, \$64.50, as delegate to the Pure Food and Drug Congress at Washington, D. C.

AGENT'S REPORT.

To the Board of Registration in Pharmacy.

GENTLEMEN:—Herewith is a statistical report compiled during the past year by your agent, together with records relative to the business and the enforcement of pharmacy laws during the year just closed.

The following-named registered pharmacists have died during the past year:—

A. E. Ayers, . . . Boston.	E. F. Faulkner, Jr., . Lowell.
F. W. Day, . . . Boston.	F. G. Foster, . . . Northbridge.
Edward Rogers, Jr., Boston.	Franklin Porter, . . Randolph.
W. L. Tilden, . . . Boston.	G. A. D. Stickney, . . Salem.
Louis N. Tower, . . Boston.	T. H. Fenelon, . . . Somerville.
William H. Knight, . Boston.	F. A. Spencer, . . . Spencer.
F. W. Gilcreas, . . . Belmont.	G. W. Gelineau, . . Springfield.
John Buck, . . . Chelsea.	F. R. Wood, . . . Taunton.
Frederick W. Willis, Dedham.	Thomas F. Kelley, . Waltham.
E. S. Anthony, . . . Fall River.	H. L. Coe, . . . Watertown.
William G. Bennett, Fall River.	C. S. Hannum, . . . Westfield.
Henry C. Willard, . . Greenfield.	L. C. Flanagan, . . Weymouth.
L. G. Babcock, . . . Lexington.	Allan Clark, . . . Worcester.

They were honorable gentlemen, respected in the communities in which they resided, and interested in the welfare of their chosen profession.

With but few exceptions, the pharmacy laws have been well observed by registered pharmacists during the past year, 97½ per cent. of the pharmacists having conducted their business in such a manner that no complaints have been made to the Board of Registration in Pharmacy against them. The balance of 2½ per cent., together with unregistered persons engaged in the pharmacy business, have required the supervision of the Board in connection with the local officers.

Chapter 317, Acts of 1900, which prohibits unregistered proprietors from engaging in the pharmacy business, even though they have in their employ a registered clerk, is proving to be one of the most beneficial to the business, its enforcement putting the dispensing of drugs, medicines, chemicals and poisons into skilful and competent hands. During the past year, of the number of prosecuted and convicted, 18 were unregistered proprietors. The above act was approved May 16 last past, and since that time the attention of non-registered proprietors has been called to the matter in question. The department stores have cheerfully decided to conform to the law by forming stock companies and turning the pharmacy business over to the supervision of registered pharmacists, who, in accordance with chapter 106, Acts of 1900, own stock to the actual value of \$500 in the incorporated companies, and who conduct the business in person. Others have voluntarily sold out and given up the business, while still others have been driven out by process of law.

Your attention is called to the fact that many certificates of registration in pharmacy are and have been in evidence throughout the State, with no owner to take charge of them. Some belong to persons deceased; others to those who have left the State; others have been carelessly left where they were last displayed, and whether the owners are dead or alive remains unknown; while still other certificates have been revoked altogether for cause. If some means could be devised whereby the registered pharmacists in the Commonwealth could be correctly known, eliminating those certificates which have become obsolete, thus enabling the Board to correctly record the registered pharmacists of Massachusetts, and inform the public who is registered and who is not, very beneficial results would follow, not only preventing imposition upon registered pharmacists, but acting as an important safeguard to the public.

A noticeable feature in the conduct of the pharmacy business in Massachusetts during the past few years is the material improvement in the appearance of the stores, viz., very elaborate fixtures, including plate-glass show cases, dazzling show bottles, tile floors, elegant soda fountains, all going to show a pardonable pride, amounting almost to rivalry, taken by pharmacists in their business, which has come to be a profession.

In the enforcement of the pharmacy laws during the year strange developments have come to light, in some instances quite unique, a synopsis of which may be somewhat interesting.

In one instance a lawyer persisted in conducting the pharmacy business, he being unregistered, notwithstanding the late act governing such cases. It required three prosecutions to convince him he was wrong. The store was closed.

Another remarkable case was the seizing of thirty-three cases of lager beer and nearly a barrel of whiskey on the Lord's Day, from a druggist whose place of business was within one hundred feet of the police station.

Another was the fact that the druggist's whiskey came in quart bottles packed in sugar barrels marked "Fruit Juice." This was in a no-license town, notwithstanding we have a very stringent transportation act on our statute book. He decided not to transport any more liquor that way.

Another said, upon being interviewed, "I don't use much liquor anyway;" but, upon looking over his stock, three empty whiskey barrels were found upon which the United States gauger had put his stamp within the last sixty days. A conviction in court followed.

Another case was that of an applicant before the Board for a recommendation to obtain a sixth-class license. A visit was made to the store of the applicant on the Lord's Day. Your agent, upon entering the store, was confronted by the proprietor, who excitedly said, in a confidential manner, "Mr. Harris, I would rather you would not see what is going on in the back room." My reply was, "We can see now what is going on," the door leading to the room in question being open. In full view were a dozen men with lager beer bottles and glasses of beer in their hands, in the act of drinking. "Oh, I am so sorry," said the proprietor, "that this has happened." My reply was, "You are sorry that you have been caught violating the liquor law on the Lord's Day." It cost him his license.

RECAPITULATION.

Number of druggists deceased,	26
Number of drug stores in the Commonwealth,	1,574
Number of stores closed,	28
Number of stores found without any registered person connected therewith,	12

Number of complaints made to the Board and investigated, . . .	89
Number of complaints investigated and reported to the proper prosecuting officers,	61
Number of prosecutions,	57
Number convicted,	47
Number of continued cases in court,	11
Amount of fines paid,	\$3,720
Number of formal complaints made to the Board,	33

The above recapitulation shows that there are still some in the business who have not a proper respect and observance of the law; and it is to be regretted that there are those in the business of pharmacy who require the attention of the courts, the police and the Board of Registration in Pharmacy in order to compel them to cease violating the law made in the interest of good pharmacy and for the protection of the public.

In conclusion, the thanks of your agent are herewith extended to the various officers throughout the Commonwealth who have rendered valuable assistance in the enforcement of the pharmacy law, believing that a public service has been rendered.

Respectfully submitted,

SIMON B. HARRIS,

Agent.

L A W S

RELATING TO

THE PRACTICE OF PHARMACY

IN

MASSACHUSETTS.

1900.

LAWS RELATING TO PHARMACY.

[CHAPTER 397, ACTS OF 1896, AS AMENDED BY THE ACTS OF 1898, 1899 AND 1900.]

AN ACT TO REGULATE THE PRACTICE OF PHARMACY.

Be it enacted, etc., as follows :

SECTION 1. The board of registration in pharmacy shall consist of five persons. The appointments to fill vacancies occurring from expiration of terms of office shall be for five years from the first day of October in each year, and no person shall hereafter serve as a member of said board for more than five years, consecutively,—providing that the present members of said board shall continue to hold their offices during the terms for which they were severally appointed. The appointments to said board shall be made by the governor with the advice and consent of the council, and only skilled pharmacists, resident in the Commonwealth, who have had ten consecutive years of practical experience in the compounding and dispensing of physicians' prescriptions and actively engaged in the drug business, shall be eligible, and not more than one member of said board shall be interested in the sale of drugs, medicines and chemicals and the compounding and dispensing of physicians' prescriptions in the same councillor district. Any member of said board may be removed from office for cause by the governor.

SECTION 2. The members of said board shall meet on the first Tuesday of October in each year at such time and place as they may determine, and shall immediately proceed to organize by electing a president and secretary, who shall be members of the board, and who shall hold their respective offices for the term of one year. The secretary shall give to the treasurer and receiver general of the Commonwealth a bond with sufficient sureties, to be approved by the governor and council, for the faithful discharge of the duties of his office. The said board shall hold three regular meetings in each year, one on the first Tuesday of January, one on the first Tuesday of May and one on the first Tuesday of October, and such additional meetings at such times and places as they shall determine.

SECTION 3. The compensation, incidental and travelling expenses of the board shall be paid from the treasury of the Commonwealth.

The compensation of the members of the board shall be five dollars each for every day actually spent in the discharge of their duties and the amount actually paid by them for necessary travelling expenses in attending the meetings of the board, but in no case exceeding three cents per mile each way. The bills for such compensation and their incidental and travelling expenses shall be approved by the board and sent to the auditor of the Commonwealth, who shall certify to the governor and council the amounts due as in case of other bills and accounts approved by him under the provisions of law. So much of the receipts from examinations as may be necessary for the compensation and expenses of the board, as aforesaid, is hereby appropriated, in addition to any amount authorized by the legislature for the purposes of this act.

SECTION 4. The board shall keep a record of the names of all persons examined and registered hereunder, and a record of all moneys received and disbursed by said board, a duplicate of which records shall always be open to inspection in the office of the secretary of the Commonwealth. Said board shall make to the governor on or before the first day of January in each year a report stating the condition of pharmacy in the state, with a full and complete record of all its official acts during the year, and the receipts and disbursements of the board.

REGISTRATION OF PHARMACISTS.

SECTION 5. Any person desiring to do business as a pharmacist shall, upon payment of a fee of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist, and shall receive a certificate signed by the president and secretary of said board.

Any person may be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of a fee of three dollars. All fees received by the board under this act shall be paid by the secretary of the board into the treasury of the Commonwealth.

SECTION 6. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 7. Said board shall hear all applications by registered pharmacists for the granting of sixth class licenses, whenever such hearing is required by the applicant, and all complaints made to them against any person registered as a pharmacist, charging him with suffering or permitting the use of his name or his certificate of registration by others in the conduct of the business of pharmacy when he himself is not the owner and actively engaged in such business;

engaging in, aiding or abetting the violation or, in his business as a pharmacist, violating any of the laws of the Commonwealth now under the supervision of the board of registration in pharmacy, and especially the laws relating to the sale of intoxicating liquor. Such complaint shall be under oath, shall set out the offence alleged, and shall be made within fifteen days of the date of the act complained of.

SECTION 8. Said board shall notify the person complained against of the charge made against him and of the time and place when and where the matter will be heard by them. He may then and there appear before the board with his witnesses and be heard by counsel. Any three of the members of the board shall be a quorum for such hearing. Either member of the board may administer oaths to the witnesses at such hearing, and any person so sworn who wilfully swears or affirms falsely respecting any matter upon which his testimony is required shall be deemed guilty of perjury. Said board shall have the power to send for persons and compel the attendance of witnesses at said hearings, by process duly served.

SECTION 9. If the full board sitting at such hearing shall find that the person complained against is guilty of the acts charged against him said board may suspend his registration as a pharmacist and his certificate thereof, for such term as the board in their judgment, after due consideration of the facts, may deem for the best interest of the public, or may revoke it altogether, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after conviction by a court of competent jurisdiction.

SECTION 10. No license for the sale of spirituous or intoxicating liquors, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more such licenses shall be granted annually by the board of license commissioners of cities, the board of police of the city of Boston, or the selectmen of towns, to retail druggists or apothecaries, if it shall appear that the applicant is a fit person to receive such license, is not disqualified to receive the same under section sixteen of this act, and is a registered pharmacist actively engaged in business on his own account, and if he shall also present to the licensing board a certificate of fitness as provided in section eleven of this act. Retail druggists and apothecaries shall not be subject to the second clause of section nine of chapter one hundred of the Public Statutes when the sale is made, as hereinafter provided, upon the prescription of a physician. [Amended by chapter 106, Acts of 1900, as follows: Section ten of chapter three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-six is hereby amended by adding at the end thereof the following:— A registered pharmacist who owns stock to the actual value of at

least five hundred dollars in a company incorporated for the purpose of carrying on the drug business and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account within the meaning of this act, and may be considered as qualified to receive such a license for said store.]

SECTION 11. The state board of registration in pharmacy may issue to applicants for licenses of the sixth class to sell intoxicating liquor a certificate, which shall not be valid after the expiration of one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting of said license. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. Such complaints shall be in writing, specifying the reason, if any, why a certificate should be withheld. For each certificate so granted by the board of registration in pharmacy said board shall be entitled to receive a fee not exceeding one dollar, to be paid by the applicant.

SECTION 12. Any license for the sale of intoxicating liquor, of the sixth class, shall become null and void, without any process or decree, whenever the registered pharmacist to whom it has been granted shall cease to conduct his business in person and on his own account, or upon the revocation of his registration as such pharmacist and of his certificate thereof, excepting cases where the registered pharmacist has died or become incapacitated, and his business is continued by his widow, executor or administrator, under a registered pharmacist.

SECTION 13. Sales of intoxicating liquor of any kind by retail druggists and apothecaries, for medicinal, mechanical or chemical purposes, shall be made only upon the certificate of the purchaser, which certificate shall state the use for which the same is wanted, and shall be immediately cancelled at the time of such sale in such manner as to show the date of cancellation.

SECTION 14. A book shall be kept by every retail druggist and apothecary in which he shall enter at the time of every such sale the date thereof, the name of the purchaser, who shall also sign his name in said book as part of said entry, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is also made upon the prescription of a physician the book shall also contain the name of the physician and state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference

to certificates. Said book shall be in form substantially as follows:—

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use	Price.	Name of Physician.	Signature of Purchaser.
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SECTION 15. The book, certificates and prescriptions before provided for or referred to, shall at all times be open in the city of Boston to the inspection of the board of police, and in all the cities and towns in the Commonwealth to the inspection of the mayor and aldermen, board of license commissioners, selectmen, overseers of the poor, sheriff, constables, police officers, and justices of the peace.

SECTION 16. Any person making or issuing a false or fraudulent certificate or prescription referred to in sections thirteen or fourteen of this act may be prosecuted therefor, and upon conviction may be fined ten dollars. Any retail druggist or apothecary violating any of the provisions of sections thirteen, fourteen and fifteen of this act shall, upon conviction thereof, be punished by fine of not less than fifty nor more than five hundred dollars, or imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment. He shall in addition to said penalties forfeit his license and be disqualified to hold a license for the period of one year after his conviction, and if the licensee is the owner of the premises no license shall be exercised on the premises described in the forfeited license during the residue of the term thereof.

SECTION 17. Any person not being a registered pharmacist who shall procure a sixth class license for the sale of intoxicating liquors, in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall by himself or his servants sell intoxicating liquor, shall upon conviction thereof be fined not less than fifty dollars nor more than five hundred dollars, and imprisoned in the house of correction for a term of not less than one month nor more than six months, and the provisions of section eight of chapter two hundred and fifteen of the Public Statutes shall not apply to such sentence.

SECTION 18. [Amended by chapter 317, Acts of 1900, as follows: Section eighteen of chapter three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out the words "by himself or his agent or servant, unless such agent or servant is so registered," in the second and third lines, and by adding at the end of said section the words:—

In cases where a registered pharmacist has died or become incapacitated, his business may be continued by his widow, executor or administrator, under a registered pharmacist, — so as to read as follows: —

Section 18. Whoever not being registered as aforesaid shall retail, compound for sale or dispense for medicinal purposes, or shall keep or expose for sale, drugs, medicines, chemicals or poisons, except as provided in section twenty-three of this act, shall be punished by a fine not exceeding fifty dollars. But nothing in this act shall be construed to prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist. In cases where a registered pharmacist has died or become incapacitated, his business may be continued by his widow, executor or administrator, under a registered pharmacist.]

SECTION 19. Whoever fraudulently adulterates, for the purpose of sale, any drug or medicine, or sells any fraudulently adulterated drug or medicine, knowing the same to be adulterated, shall be punished by imprisonment in a jail not exceeding one year, or by fine not exceeding four hundred dollars; and such adulterated drugs and medicines shall be forfeited, and destroyed under the direction of the court.

SECTION 20. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral, hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parson's vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall keep a record of such sale, the name and quantity of the article sold, and the name and residence of the person or persons to whom it was delivered, which record shall be made before the article is delivered, and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except on the prescription of a physician. Whoever neglects to keep or refuses to show to said officers such record shall be punished by fine not exceeding fifty dollars. Whoever sells any of the poisonous articles named in this section without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper, upon which shall be printed in large black letters the word, Poison, and also the word, Antidote, and the

name and place of business of the vendor. The name of an antidote, if there be any, for the poison sold, shall also be upon the label. Every neglect to affix such label to such poisonous article before the delivery thereof to the purchaser shall be punished by fine not exceeding fifty dollars. Whoever purchases poisons as aforesaid and gives a false or fictitious name to the vendor shall be punished by fine not exceeding fifty dollars. But nothing in this act shall be construed to apply to wholesale dealers and to manufacturing chemists in their sales to the retail trade, nor to the general merchant, who may sell in unbroken packages containing not less than one quarter of a pound, Paris green, London purple, or other arsenical poisons for the sole purpose of destroying potato bugs or other insect life upon plants, vines or trees: *provided*, that such merchant complies with the provisions of this section in respect to recording such sale and labelling each package sold.

GENERAL PROVISIONS.

SECTION 21. It shall be the duty of the board of registration in pharmacy to investigate all complaints of disregard, non-compliance with, or violation of, the provisions of this act, and to bring all such cases to the notice of the proper prosecuting officers, and especially to prosecute all persons violating section seventeen of this act.

SECTION 22. In order properly to carry out the provisions of this act the board of registration in pharmacy may expend annually a sum not exceeding two thousand dollars, and an itemized statement of all expenses incurred shall be filed with the auditor of the Commonwealth, who, after they have been properly approved, shall allow them in the same manner as other claims against the Commonwealth.

SECTION 23. This act shall not apply to physicians putting up their own prescriptions or dispensing medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any member of a copartnership, other than a registered pharmacist, be liable to the penalties hereof: *provided*, that such non-registered member shall not retail, compound for sale or dispense for medicinal purposes, drugs, medicines, chemicals or poisons, except under the personal supervision of a registered pharmacist.

SECTION 24. Sections five and six of chapter two hundred and eight of the Public Statutes, chapter three hundred and thirteen of the acts of the year eighteen hundred and eighty-five, chapters two

hundred and sixty-seven and four hundred and thirty-one of the acts of the year eighteen hundred and eighty-seven, chapter two hundred and nine of the acts of the year eighteen hundred and eighty-eight, chapters two hundred and twenty-seven and four hundred and seventy-two of the acts of the year eighteen hundred and ninety-three, and chapter four hundred and thirty-five of the acts of the year eighteen hundred and ninety-four, are hereby repealed. [*Approved May 15, 1896.*]

SIXTEENTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION IN PHARMACY,

FOR THE YEAR 1901.



BOSTON :
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
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1902.

e.

Commonwealth of Massachusetts.

REPORT.

To His Excellency W. MURRAY CRANE, *Governor*.

SIR:—In compliance with the requirements of section 4, chapter 397, Acts of 1896, we hereby submit to Your Excellency our sixteenth annual report. We are pleased to note that from a commercial stand-point the condition of pharmacy in the State is greatly in advance of one year ago. Industry and commerce go hand in hand, and to industrial prosperity is due the commercial prosperity throughout the State. No business in existence is so disturbed by cut-rate competition as is pharmacy; but the public is learning that cheap prices mean cheap goods, and this class of competition is becoming less formidable than formerly.

Another cause for congratulation among druggists is the repeal of the war stamp tax that took effect July 1 of this year. The national revenue from the tax on drug store products was \$5,000,000 per annum.

The professional side of pharmacy advances slowly, but the demand of the present is, and of the future will be, for higher education in this profession. The excellent schools of pharmacy in this country offer a means for obtaining this education. In former reports of this Board, attention has been called to the desirability of a higher educational standard for those entering the drug business. The results of our examinations show that this point cannot be too strongly emphasized.

PRACTICAL EXAMINATIONS.

Commencing January 1 of this year, the character of examinations of candidates for registration has been radically changed. Prior to that time the examination consisted of written and oral questions and the identification of drugs. We have now a well-equipped prescription counter, where each candidate is required to dispense as many prescriptions as time will allow. This cannot be satisfactorily done without actual drug store experience. The oral examination consists practically of questions relating to the preparation of official products and prescription reading. The written examination is more technical in character, but is confined to questions of practical value to the professional pharmacist. It is felt by the Board that with this form of examination the practical, useful knowledge of the applicant is more readily determined than by the older method. It is no longer possible for persons to pass the Board examinations by learning questions and answers, or by the employment of quiz instructors; and it is a waste of time to appear before the Board without systematic study and prescription counter experience.

LIQUOR CERTIFICATES.

The granting of liquor certificates is an important duty of the Board. Section 11 of the "Act to regulate the practice of pharmacy" reads as follows:—

The state board of registration in pharmacy may issue to applicants for licenses of the sixth class to sell intoxicating liquors a certificate, which shall not be valid after the expiration of one year from its date, stating that in the judgment of said board he is a proper person to be intrusted with such license, and that the public good will be promoted by the granting of said license.

It is further stated, in section 10 of the above-mentioned act, —

if it shall appear that the applicant is a fit person to receive such license . . . and is a registered pharmacist actively engaged in business on his own account.

Three qualifications are to determine the granting of these certificates; namely, the public good, fitness of the person and proprietorship. In some sections there is an excessive influx

of new drug stores demanding sixth-class licenses. It is the belief of this Board that it should not, by granting of certificates, encourage the multiplication of stores to such an extent that the sale of intoxicating liquor becomes a necessity to the maintenance of stores in those vicinities. It is the intent of the Board to be impartial and fair to all concerned in this part of its work.

ENFORCEMENT OF THE PHARMACY LAWS.

In this department, the Board, with the assistance of its agent, has endeavored to investigate all complaints that have come to its notice. A larger number of complaints has come to us than in the preceding year, and some of an aggravated character. It should be said, however, that a large number of those against whom complaint has been made were unregistered persons, engaged in the drug business.

RE-REGISTRATION.

There has been a demand by the State Pharmaceutical Association and by individuals for a correct list of the registered pharmacists of the State. This can be had only by re-registration. Since the enactment of the pharmacy law in 1885 to this date there have been 4,029 pharmacists registered in this State; many of these have died; others have left the State or discontinued business. There are at present 1,568 drug stores in the State; possibly one-third of these employ registered clerks; this accounts for about one-half of the total number, leaving about 2,000 certificates of registration unaccounted for. These latter certificates may be, and have been in known instances, used illegally by being exposed in stores of questionable character in which no registered man is employed. This Board is unanimously of the opinion that some provision should be made for re-registration at stated periods. Such provision is made in twenty-nine States in the Union. In twenty-five States annual, in two States biennial and in one State triennial re-registration is required; the fees in these States range from 50 cents to \$5 per annum. This Board recommends that the pharmacy laws be amended to the effect that re-registration be required biennially, and that the fee therefor shall be \$1, sufficient to cover expenses incurred.

LEGISLATION.

Referring again to sections 10 and 11 of the pharmacy laws, quoted above, it will be seen that licenses of the sixth class can be granted only to "a registered pharmacist actively engaged in business on his own account." Section 12 of the pharmacy act provides that sixth-class licenses shall remain in force in "cases where the registered pharmacist has died or become incapacitated, and his business is conducted by his widow, executor or administrator, under a registered pharmacist;" but there is no provision for the renewing of a license on May 1 to the widow, executor or administrator or to the registered clerk. In many instances it has become a financial injury to widows of deceased pharmacists. We therefore recommend that section 18 of chapter 397 of the Acts of 1896, as amended by chapter 317 of the Acts of 1900, be further amended as follows:—

Section eighteen of chapter three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-six, as amended by chapter three hundred and seventeen of the acts of nineteen hundred, is hereby further amended by adding after the word "pharmacist," in the last line, the following words:— "who may also be considered qualified to receive a sixth-class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section ten of chapter three hundred and ninety-six of the acts of the year eighteen hundred and ninety-six, inconsistent herewith, shall not apply,"—so as to read as follows:— *Section 28.* Whoever not being registered as aforesaid shall retail, compound for sale or dispense for medicinal purposes, or shall keep or expose for sale, drugs, medicines, chemicals or poisons, except as provided in section twenty-three of this act, shall be punished by a fine not exceeding fifty dollars. But nothing in this act shall be construed to prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist. In cases where a registered pharmacist has died or become incapacitated, his business may be continued by his widow, executor or administrator, under a registered pharmacist, who may also be considered qualified to receive a sixth-class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The pro-

visions of section ten of chapter three hundred and ninety-six of the acts of the year eighteen hundred and ninety-six, inconsistent herewith, shall not apply.

With this report the term of office of Mr. John A. Rice expires by limitation of law after serving for ten years as a member of this Board. The remaining members of the Board and the druggists of the State will remember him as a man of good judgment, strong convictions and kindly nature. The State has had no more conscientious servant than he. In signing this report, it is understood that Mr. Rice does not necessarily endorse these sentiments.

It will be seen that the expenses of the Board for the year have been less than anticipated. This was due to the fact that the member from the western part of the State has been able to attend but three meetings during the year, and that another member was unable to attend for nearly two months.

With the old method of examination the Board was able to examine fifteen per day; with the new method, but ten can be examined. This makes a greater number of examination days necessary, and thereby increases the expense. Had all of the members been present through the year, as usual, the appropriation for the year would have been fully expended. For the year ending Oct. 1, 1900, twenty-three days were required for examinations; for this year, thirty-six days.

The report of the secretary and the report of the agent of the Board are appended hereto.

C. F. NIXON, *President*.
AMOS K. TILDEN, *Secretary*.
F. H. BUTLER.
JOHN A. RICE.
GEO. M. HOYT.

BOSTON, MASS., Oct. 1, 1901.

SECRETARY'S REPORT.

EXAMINATION ACCOUNT.

Meetings for examinations have been held on dates and with results as follows : —

1900-1901.	Days.	Examined.	Registered.	Rejected.
October 2-3,	2	25	3	22
November 14-15,	2	29	3	26
December 12,	1	13	2	11
January 1-2,	2	19	6	13
January 29-30,	2	17	5	12
February 5,	1	10	2	8
February 12,	1	9	3	6
February 20-21,	2	18	3	15
February 27-28,	2	17	6	11
March 12,	1	10	3	7
March 21,	1	10	4	6
March 28,	1	8	4	4
April 9-10,	2	18	3	15
April 17,	1	10	—	10
April 30,	1	8	1	7
May 7,	1	10	—	10
May 15,	1	10	—	10
May 22,	1	8	2	6
May 27-28,	2	21	1	20
June 5-6,	2	20	7	13
June 11,	1	10	2	8
June 18-19-20,	3	30	8	22
September 17,	1	8	1	7
September 23-24,	1	12	2	10
September 30,	1	8	2	6
Totals,	36	358	73	285

Of the seventy-three certificates granted this year : —

13 passed on first examination.	3 passed on sixth examination.
19 " " second "	3 " " ninth "
17 " " third "	2 " " eleventh "
8 " " fourth "	1 " " fifteenth "
7 " " fifth "	

FINANCIAL STATEMENT FROM OCT. 1, 1900, TO OCT. 1, 1901.

Oct. 1, 1900, cash in State treasury,	\$501 88
Received during the year : —	
Fees from applicants, 264 at \$3,	\$792 00
Fees from applicants, 119 at \$5,	595 00
For duplicate certificates,	8 00
	<hr/>
	1,395 00
Total,	\$1,896 88
Returned to family of W. A. E. Kimball, he having died a few days after sending the money,	5 00
	<hr/>
	\$1,891 88

Expenditures.

	Services.	Expenses.	Total.
C. F. Nixon, president,	\$235 00	\$114 35	\$349 35
A. K. Tilden, secretary,	232 50	25 47	257 97
A. K. Tilden (miscellaneous bills),	—	30 34	30 34
F. H. Butler,	150 00	53 80	203 80
F. H. Butler (printing),	—	3 00	3 00
John A. Riee,	15 00	30 66	45 66
G. M. Hoyt,	222 50	58 70	281 20
G. M. Hoyt, drugs,	—	3 60	3 60
	<hr/>	<hr/>	<hr/>
	\$855 00	\$319 92	\$1,174 92

Hammett School Supply Company,	\$3 75
Wright & Potter Printing Company,	15 01
E. L. Patch Company,	4 78
Weeks & Potter Company,	9 34
Theo. Metcalf Company,	2 65
	<hr/>
	35 53
	<hr/>
	1,210 45
Balance in State treasury,	\$681 43

Liabilities.

Applicants not examined, fees paid : —	
Prior to Oct. 1, 1900 : —	
48 at \$3,	\$144 00
45 at \$5,	225 00
	<hr/>
	\$369 00
From Oct. 1, 1900, to Oct. 1, 1901 : —	
37 at \$3,	\$111 00
20 at \$5,	100 00
	<hr/>
	211 00
	<hr/>
	\$580 00

APPLICATIONS FOR CERTIFICATES OF FITNESS.

Applications received from Oct. 1, 1900, to March 1, 1901, to expire April 30, 1901,	55
Certificates granted,	35
Applications refused,	20
Applications received from March 1, 1901, to Oct. 1, 1901, to expire April 30, 1902,	1,207
Certificates granted,	1,104
Applications refused,	98
Applications transferred,	5
Total number of applications for the year,	1,262
Total number of certificates granted,	1,139
Total number of applications refused,	118
Total number of applications transferred,	5
Total amount of fees received,	\$1,262 00
Returned to rejected applicants,	\$118 00
Paid to State Treasurer,	1,139 00
Transferred,	5 00

FINANCIAL STATEMENT FROM OCT. 1, 1900, TO OCT. 1, 1901.

	Services.	Expenses.	Total.
C. F. Nixon, president,	\$352 50	\$197 75	\$550 25
C. F. Nixon, supplies,	-	11 29	11 29
A. K. Tilden,	897 50	33 01	930 51
A. K. Tilden, supplies, etc.,	-	41 95	41 95
F. H. Butler,	107 50	36 47	143 97
G. M. Hoyt,	90 00	29 75	119 75
G. M. Hoyt, supplies,	-	31 71	31 71
S. B. Harris, agent,	780 00	366 94	1,146 94
Lucie Barret Koch,	570 00	-	570 00
Bessie Burroughs,	50 00	-	50 00
	<hr/>	<hr/>	<hr/>
	\$2,847 50	\$748 87	\$3,596 37

J. L. Fairbanks Company,	\$6 60
Wright & Potter Printing Company,	71 34
Thorp & Martin Company,	6 75
Press Clipping Bureau,	21 75
N. E. Telegraph and Telephone Company,	11 67
Fox, Fultz & Co.,	5 18
E. L. Patch Company,	76 75
Fuller, Leonard & Small,	17 50
Charles P. Whittle,	325 00
Wm. H. Bradford,	7 21
Whitall, Tatum Company,	198 94

Burditt & Williams Company,	\$17 00	
Spatula Publishing Company,	3 00	
Weeks & Potter,	4 52	
Theo. Metcalf Company,	3 05	
Sampson, Murdock Company,	5 50	
	<hr/>	\$781 58
		<hr/> \$4,377 95

Number of meetings held for granting to applicants certificates of fitness,	18
Number of hearings on applications for certificates of fitness, . . .	67

ENFORCEMENT OF PHARMACY LAW.

SUMMARY.

Number of meetings for enforcement of pharmacy law,	18
Number of hearings on violations of pharmacy law,	25
Number of certificates suspended for ten years,	1
Number of certificates suspended for five years,	1
Number of certificates suspended for two years,	3
Number of certificates suspended for one year,	6
Number of certificates suspended for eighteen months,	1
Number of certificates suspended for two months,	2
Number of cases continued for sentence,	1
Number of formal complaints to the Board,	31

FINANCIAL STATEMENT FROM OCT. 1, 1900, TO OCT. 1, 1901.

	Services.	Expenses.	Total.
C. F. Nixon,	\$37 50	\$21 00	\$58 50
A. K. Tilden,	50 00	4 75	54 75
A. K. Tilden, witness fees,	—	75 90	75 90
F. H. Butler,	47 50	20 07	67 57
G. M. Hoyt,	47 50	15 70	63 20
S. B. Harris,	795 00	368 31	1,163 31
	<hr/>	<hr/>	<hr/>
	\$977 50	\$505 73	\$1,483 23

J. L. Fairbanks & Co.,	\$9 70	
Press Clipping Bureau,	2 00	
	<hr/>	11 70
Total,		<hr/> \$1,494 93

AMOS K. TILDEN,

Secretary.

AGENT'S REPORT.

To the Board of Registration in Pharmacy.

Herewith submitted is a condensed report of my doings under your orders during the past year, with a résumé of various matters which have come under my observation in the performance of my official duties which relate to the condition of pharmacy, together with records relating to the enforcement of the pharmacy laws of this Commonwealth.

The following registered pharmacists died during the year : —

Bourne, Jacob F., . Boston.	McCarthy, Callahan, Northbridge.
Buffington, Elisha D., Worcester.	Nash, Frank S., . Brockton.
Coville, Frank O., . Winchester.	O'Brien, James, . Lowell.
Curtis, John W., . Hinsdale.	Ohlander, John V., . Worcester.
Duval, Edmond P., . Leominster.	Reid, Charles S., . Holbrook.
Eaton, Charles I., . Boston.	Robbings, George H., West Warren.
Ferguson, William A., Foxborough.	Shay, Thomas E., . Salem.
Hartshorn, Fred'k A., Marlborough.	Sweeney, John P., . Boston.
Hodges, Chauncey A., Lynn.	Toward, Arlie B., . Boston.
Hollis, Francis, . Boston.	Wetherell, Monson L., Gloucester.
Jenkins, Luther L., . Boston.	Williams, Joseph, . Newburyport.
Mahern, John J., . Woburn.	

In the above list will be recognized the names of several druggists who were long and favorably known in the pharmacy business.

My duties have taken me into every portion of the State. It has been the general expression from those engaged in the profession that their business during the year 1901 has been more satisfactory than in 1900, which is gratifying.

It is somewhat humiliating to report that during the year more prosecutions have been made and more convictions of violators of the pharmacy law than during the previous year. The reason is apparent why prosecutions have increased. Of the number arraigned before the court, a large per cent. were unregistered pharmacists. In several instances they had formerly been engaged in the liquor business in cities and towns where licenses had formerly been granted, but failing to grant

licenses by reason of the "no" vote, and knowing full well that licenses of the sixth class may be granted where the "no" vote prevails, they took it upon themselves to employ a registered clerk and open up to all appearances a full-fledged pharmacy; but have been obliged to settle with our courts for their folly, the law having been repealed whereby formerly unregistered proprietors could conduct the business of pharmacy with a registered clerk, which has proven quite an obstacle to their advancement as druggists. The majority of those who have thus embarked have wisely given up the undertaking. In one instance four men engaged in the business, one being registered; prosecution was followed by arrest, accompanied with bailing process. The three unregistered men fled to Canada, and were defaulted in court. It may be confidently believed that they will not come under the supervision of the Board again.

Another violator, known to the Board, having been repeatedly prosecuted and convicted, upon another seizure being made at his place of business, made quick time and crossed the border line. He likewise will not give the Board or the local authorities any further trouble.

Another, who advertised himself as general manager of several drug stores, the proprietor not being registered, after being severely disciplined, concluded to interest himself as manager of a travelling band of gypsies.

Another would-be druggist, unregistered, who has been repeatedly convicted for violating the liquor law and pharmacy law, and has paid fines and served time in the jail, upon learning that another indictment had been found against him, hurriedly left the State. At the time of his departure he was owner of three drug stores in Massachusetts. They have all been closed.

The public good is subserved and the pharmacy business elevated by these departures, and for the benefit of those who may be inclined without the proper qualifications prescribed by law to enter into the drug business to evade the liquor law, it seems proper to say: You have no right to take the responsibility upon yourselves to deal in drugs, medicines, chemicals and poisons, thereby jeopardizing the public welfare, that you may, under a respectable cover, conduct an unlawful, disreputa-

ble business. Never sail under false colors. If you are inclined to engage in the liquor business, do so, if at all, under the sanction of a liquor license. Don't attempt to do so as a pharmacist in this Commonwealth.

Chapter 106, Acts of 1900, amended section 10 of chapter 397 of the Acts of 1896 by adding at the end thereof the following:—

A registered pharmacist who owns stock to the actual value of at least five hundred dollars in a company incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a drug store of such corporation, shall be considered as actively engaged in business on his own account within the meaning of this act, and may be considered qualified to receive such a license for said store.

Whereas the above statute is all right when resorted to by honest men, who organize stock companies under its provision and honestly conform to the law, and the public welfare will not suffer thereby, evil-disposed persons have taken advantage of its provisions, organized stock companies under the laws of other States, present or pretend to give stock to registered persons of the value of five hundred dollars, as estimated by the promoters, then the drug store opens up with a registered man, a figure head in the venture, the combination bringing incompetency into the business.

Your agent, as the Board well knows, has been called upon to investigate several such cases. Perhaps it is not out of place to give one illustration.

In the city of Boston complaint came to the Board that a drug store, giving name and location, was open for business without the proprietor being registered, a registered man calling occasionally. Upon investigation the proprietor said:—

“This is a stock company, organized under the laws of Maine. Mr. — is the registered clerk, who comes here when he is wanted. He is one of the stockholders in the company. We are not quite satisfied with him. We are going to get another registered man.”

In the course of time another registered man put in an appearance. Upon being interviewed by your agent as to his connection with the store, he said:—

“This is a stock company, I understand. The treasurer of the company has made out a certificate of stock in my name, claiming to be worth five hundred dollars, and put it in the money drawer, saying, ‘In the event of any person questioning you as to your ownership in the store, show this certificate of stock to them.’”

He further stated: “I did not put any money into the concern; I don’t claim to own the certificate of stock; all the interest I claim to have in this store is my weekly wages.”

This was the confession of a truthful man. When informed in regard to the law, he said, “I shall take my certificate and leave.” The store has ceased to do business in this Commonwealth.

Investigation of several cases of a similar character proved that incompetent persons have taken advantage of this statute, thereby imposing upon the public.

In the performance of my duties, my attention has been called to the fact that in several towns voting no license, licenses of the sixth class have been granted by the selectmen and issued to druggists without the licensee giving any bond therefor, — notwithstanding that section 13, chapter 100 of the Public Statutes, distinctly declares, in the following language: —

No license shall be issued until the license fee has been paid to the treasurer of the city or town by which it is to be issued and until he has received a satisfactory bond, payable to him as such treasurer, in the sum of one thousand dollars, signed by the licensee and sufficient surety or sureties, who shall be jointly and severally liable and conditioned for the payment of all costs, damages and fines incurred by violation of the provisions of this chapter. Separate suits may be brought on such bond by any persons at their own expense. Such bond, after approval, shall be filed in the office of the city or town clerk, and may be sued in any court having jurisdiction under the provisions of this chapter, and a certified copy thereof shall be admissible in evidence, and shall have the same force and effect as the original bond would have if offered in evidence. The bond to be taken in each case may be in the following form.

Subsequently follows the form of bond required.

Upon calling the attention of the selectmen to this violation of the statute, they have immediately taken steps to conform to the law governing the same.

Section 1, chapter 431, Acts of 1887, reads as follows: —

No license, except of the sixth class named in section ten of chapter one hundred of the Public Statutes, shall be hereafter granted to retail druggists or apothecaries for the sale of spirituous or intoxicating liquor.

Notwithstanding this plain declaration of the statutes, instances have come to my knowledge where the granting authorities have taken upon themselves the responsibility of issuing licenses of the first and fourth classes to druggists in this Commonwealth, thereby violating the license law and affording no protection to the licensee whatever.

During the past year an unusual number of drug stores have changed proprietors, — in many instances, men of long standing in the business retiring, to be succeeded by younger pharmacists, which has had the tendency to infuse younger blood into the profession.

RECAPITULATION.

Number of druggists deceased,	23
Number of drug stores in the Commonwealth,	1,568
Number of drug stores closed,	36
Number of new stores opened for business,	30
Number of stores found with unregistered proprietors and no registered partners,	23
Number of complaints made to the Board and investigated,	101
Number of complaints investigated and reported to the proper prosecuting officers,	86
Number of prosecutions,	75
Number of convictions,	61
Number of continued cases in court,	9
Number found not guilty,	5
Amount of fines paid,	\$4,140
Number sent to jail,	2
Number of formal complaints made to the Board,	31

My thanks are hereby extended to the various local authorities throughout the Commonwealth for assistance rendered to me in the discharge of my official duties.

Respectfully submitted,

SIMON B. HARRIS,

Agent.

L A W S

RELATING TO

THE PRACTICE OF PHARMACY

IN

MASSACHUSETTS.

1901.

LAWS RELATING TO PHARMACY.

[CHAPTER 397, ACTS OF 1896, AS AMENDED BY THE ACTS OF 1898, 1899, 1900 AND 1901.]

AN ACT TO REGULATE THE PRACTICE OF PHARMACY.

Be it enacted, etc., as follows :

SECTION 1. The board of registration in pharmacy shall consist of five persons. The appointments to fill vacancies occurring from expiration of terms of office shall be for five years from the first day of October, in each year, and no person shall hereafter serve as a member of said board for more than five years, consecutively,—providing that the present members of said board shall continue to hold their offices during the terms for which they were severally appointed. The appointments to said board shall be made by the governor with the advice and consent of the council, and only skilled pharmacists, resident in the Commonwealth, who have had ten consecutive years of practical experience in the compounding and dispensing of physicians' prescriptions and actively engaged in the drug business, shall be eligible, and not more than one member of said board shall be interested in the sale of drugs, medicines and chemicals and the compounding and dispensing of physicians' prescriptions in the same councillor district. Any member of said board may be removed from office for cause by the governor.

SECTION 2. The members of said board shall meet on the first Tuesday of October in each year at such time and place as they may determine, and shall immediately proceed to organize by electing a president and secretary, who shall be members of the board, and who shall hold their respective offices for the term of one year. The secretary shall give to the treasurer and receiver general of the Commonwealth a bond with sufficient sureties, to be approved by the governor and council, for the faithful discharge of the duties of his office. The said board shall hold three regular meetings in each year, one on the first Tuesday of January, one on the first Tuesday of May and one on the first Tuesday of October, and such additional meetings at such times and places as they shall determine.

SECTION 3. The compensation, incidental and travelling expenses of the board shall be paid from the treasury of the Commonwealth.

The compensation of the members of the board shall be five dollars each for every day actually spent in the discharge of their duties and the amount actually paid by them for necessary travelling expenses in attending the meetings of the board, but in no case exceeding three cents per mile each way. The bills for such compensation and their incidental and travelling expenses shall be approved by the board and sent to the auditor of the Commonwealth, who shall certify to the governor and council the amounts due as in case of other bills and accounts approved by him under the provisions of law. So much of the receipts from examinations as may be necessary for the compensation and expenses of the board, as aforesaid, is hereby appropriated, in addition to any amount authorized by the legislature for the purposes of this act.

SECTION 4. The board shall keep a record of the names of all persons examined and registered hereunder, and a record of all moneys received and disbursed by said board, a duplicate of which records shall always be open to inspection in the office of the secretary of the Commonwealth. Said board shall make to the governor on or before the first day of January in each year a report stating the condition of pharmacy in the state, with a full and complete record of all its official acts during the year, and the receipts and disbursements of the board.

REGISTRATION OF PHARMACISTS.

SECTION 5. Any person desiring to do business as a pharmacist shall, upon payment of a fee of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist, and shall receive a certificate signed by the president and secretary of said board.

Any person may be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of a fee of three dollars. All fees received by the board under this act shall be paid by the secretary of the board into the treasury of the Commonwealth.

SECTION 6. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 7. Said board shall hear all applications by registered pharmacists for the granting of sixth class licenses, whenever such hearing is required by the applicant, and all complaints made to them against any person registered as a pharmacist, charging him with suffering or permitting the use of his name or his certificate of registration by others in the conduct of the business of pharmacy when he himself is not the owner and actively engaged in such business;

engaging in, aiding or abetting the violation or, in his business as a pharmacist, violating any of the laws of the Commonwealth now under the supervision of the board of registration in pharmacy, and especially the laws relating to the sale of intoxicating liquor. Such complaint shall be under oath, shall set out the offence alleged, and shall be made within fifteen days of the date of the act complained of.

SECTION 8. Said board shall notify the person complained against of the charge made against him and of the time and place when and where the matter will be heard by them. He may then and there appear before the board with his witnesses and be heard by counsel. Any three of the members of the board shall be a quorum for such hearing. Either member of the board may administer oaths to the witnesses at such hearing, and any person so sworn who wilfully swears or affirms falsely respecting any matter upon which his testimony is required shall be deemed guilty of perjury. Said board shall have the power to send for persons and compel the attendance of witnesses at said hearings, by process duly served.

SECTION 9. If the full board sitting at such hearing shall find that the person complained against is guilty of the acts charged against him said board may suspend his registration as a pharmacist and his certificate thereof, for such term as the board in their judgment, after due consideration of the facts, may deem for the best interest of the public, but the license or certificate of registration of a registered pharmacist shall not be suspended for a cause punishable by law until after conviction by a court of competent jurisdiction. [Amended by chapter 522, Acts of 1901, as follows: Section nine of chapter three hundred and ninety-seven of the Acts of the year eighteen hundred and ninety-six is hereby amended by striking out in the seventh line, the words "or may revoke it altogether", and in the ninth line, the words "or revoked."]

SECTION 10. No license for the sale of spirituous or intoxicating liquors, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more such licenses shall be granted annually by the board of license commissioners of cities, the board of police of the city of Boston, or the selectmen of towns, to retail druggists or apothecaries, if it shall appear that the applicant is a fit person to receive such license, is not disqualified to receive the same under section sixteen of this act, and is a registered pharmacist actively engaged in business on his own account, and if he shall also present to the licensing board a certificate of fitness as provided in section eleven of this act. Retail druggists and apothecaries shall not be subject to the second clause of section nine of chapter one hundred of the Public Statutes when the sale is made, as hereinafter provided, upon the prescription of a physician. [Amended by chapter 106,

Acts of 1900, as follows: Section ten of chapter three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-six is hereby amended by adding at the end thereof the following:— A registered pharmacist who owns stock to the actual value of at least five hundred dollars in a company incorporated for the purpose of carrying on the drug business and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account within the meaning of this act, and may be considered as qualified to receive such a license for said store.]

SECTION 11. The state board of registration in pharmacy may issue to applicants for licenses of the sixth class to sell intoxicating liquor a certificate, which shall not be valid after the expiration of one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting of said license. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. Such complaints shall be in writing, specifying the reason, if any, why a certificate should be withheld. For each certificate so granted by the board of registration in pharmacy said board shall be entitled to receive a fee not exceeding one dollar, to be paid by the applicant.

SECTION 12. Any license for the sale of intoxicating liquor, of the sixth class, shall become null and void, without any process or decree, whenever the registered pharmacist to whom it has been granted shall cease to conduct his business in person and on his own account, or upon the revocation of his registration as such pharmacist and of his certificate thereof, excepting cases where the registered pharmacist has died or become incapacitated, and his business is continued by his widow, executor or administrator, under a registered pharmacist.

SECTION 13. Sales of intoxicating liquor of any kind by retail druggists and apothecaries, for medicinal, mechanical or chemical purposes, shall be made only upon the certificate of the purchaser, which certificate shall state the use for which the same is wanted, and shall be immediately cancelled at the time of such sale in such manner as to show the date of cancellation.

SECTION 14. [Amended by chapter 91, Acts of 1901, as follows: Section fourteen of chapter three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out the words "who shall also sign his name in said book as part of said entry", in the fourth and fifth lines, by striking out the words "Signature of Purchaser", in the form appended to said

section, and by adding at the end of said section the words : — The certificate mentioned in section thirteen of this act shall be a part of the said book and shall not be detached therefrom, and shall be in form substantially as follows : —

CERTIFICATE.

I wish to purchase, _____
and I certify that I am not a Minor and that the same is to be used for
* Mechanical * Chemical * Medicinal purposes. [** Draw a line through
the words which do not indicate the purpose of the purchase.*]

○ Signature _____

Cancelled, _____

so as to read as follows : — *Section 14.* A book shall be kept by every retail druggist and apothecary in which he shall enter at the time of every such sale the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is also made upon the prescription of a physician the book shall also contain the name of the physician and state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows : —

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in section thirteen of this act shall be a part of the said book and shall not be detached therefrom, and shall be in form substantially as follows : —

CERTIFICATE.

I wish to purchase _____
and I certify that I am not a Minor and that the same is to be used for
* Mechanical * Chemical * Medicinal purposes. [** Draw a line through
the words which do not indicate the purpose of the purchase.*]

○ Signature _____

Cancelled, _____]

SECTION 15. The book, certificates and prescriptions before provided for or referred to, shall at all times be open in the city of Boston to the inspection of the board of police, and in all the cities and towns in the Commonwealth to the inspection of the mayor and aldermen, board of license commissioners, selectmen, overseers of the poor, sheriff, constables, police officers, and justices of the peace.

SECTION 16. Any person making or issuing a false or fraudulent certificate or prescription referred to in sections thirteen or fourteen of this act may be prosecuted therefor, and upon conviction may be fined ten dollars. Any retail druggist or apothecary violating any of the provisions of sections thirteen, fourteen and fifteen of this act shall, upon conviction thereof, be punished by fine of not less than fifty nor more than five hundred dollars, or imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment. He shall in addition to said penalties forfeit his license and be disqualified to hold a license for the period of one year after his conviction, and if the licensee is the owner of the premises no license shall be exercised on the premises described in the forfeited license during the residue of the term thereof.

SECTION 17. Any person not being a registered pharmacist who shall procure a sixth class license for the sale of intoxicating liquors, in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall by himself or his servants sell intoxicating liquor, shall upon conviction thereof be fined not less than fifty dollars nor more than five hundred dollars, and imprisoned in the house of correction for a term of not less than one month nor more than six months, and the provisions of section eight of chapter two hundred and fifteen of the Public Statutes shall not apply to such sentence.

SECTION 18. [Amended by chapter 317, Acts of 1900, as follows : Section eighteen of chapter three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out the words " by himself or his agent or servant, unless such agent or servant is so registered," in the second and third lines, and by adding at the end of said section the words :— In cases where a registered pharmacist has died or become incapacitated, his business may be continued by his widow, executor or administrator, under a registered pharmacist, — so as to read as follows : — *Section 18.* Whoever not being registered as aforesaid shall retail, compound for sale or dispense for medicinal purposes, or shall keep or expose for sale, drugs, medicines, chemicals or poisons, except as provided in section twenty-three of this act, shall be punished by a

fine not exceeding fifty dollars. But nothing in this act shall be construed to prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist. In cases where a registered pharmacist has died or become incapacitated, his business may be continued by his widow, executor or administrator, under a registered pharmacist.]

SECTION 19. Whoever fraudulently adulterates, for the purpose of sale, any drug or medicine, or sells any fraudulently adulterated drug or medicine, knowing the same to be adulterated, shall be punished by imprisonment in a jail not exceeding one year, or by fine not exceeding four hundred dollars; and such adulterated drugs and medicines shall be forfeited, and destroyed under the direction of the court.

SECTION 20. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral, hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parson's vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbohc acid, without the written prescription of a physician, shall keep a record of such sale, the name and quantity of the article sold, and the name and residence of the person or persons to whom it was delivered, which record shall be made before the article is delivered, and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except on the prescription of a physician. Whoever neglects to keep or refuses to show to said officers such record shall be punished by fine not exceeding fifty dollars. Whoever sells any of the poisonous articles named in this section without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper, upon which shall be printed in large black letters the word, Poison, and also the word, Antidote, and the name and place of business of the vendor. The name of an antidote, if there be any, for the poison sold, shall also be upon the label. Every neglect to affix such label to such poisonous article before the delivery thereof to the purchaser shall be punished by fine not exceeding fifty dollars. Whoever purchases poisons as aforesaid and gives a false or fictitious name to the vendor shall be punished by fine not exceeding fifty dollars. But nothing in this act shall be construed to apply to wholesale dealers and to manufacturing chemists

in their sales to the retail trade, nor to the general merchant, who may sell in unbroken packages containing not less than one quarter of a pound, Paris green, London purple, or other arsenical poisons for the sole purpose of destroying potato bugs or other insect life upon plants, vines or trees: *provided*, that such merchant complies with the provisions of this section in respect to recording such sale and labelling each package sold.

GENERAL PROVISIONS.

SECTION 21. It shall be the duty of the board of registration in pharmacy to investigate all complaints of disregard, non-compliance with, or violation of, the provisions of this act, and to bring all such cases to the notice of the proper prosecuting officers, and especially to prosecute all persons violating section seventeen of this act.

SECTION 22. In order properly to carry out the provisions of this act the board of registration in pharmacy may expend annually a sum not exceeding two thousand dollars, and an itemized statement of all expenses incurred shall be filed with the auditor of the Commonwealth, who, after they have been properly approved, shall allow them in the same manner as other claims against the Commonwealth.

SECTION 23. This act shall not apply to physicians putting up their own prescriptions or dispensing medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any member of a copartnership, other than a registered pharmacist, be liable to the penalties hereof: *provided*, that such non-registered member shall not retail, compound for sale or dispense for medicinal purposes, drugs, medicines, chemicals or poisons, except under the personal supervision of a registered pharmacist.

SECTION 24. Sections five and six of chapter two hundred and eight of the Public Statutes, chapter three hundred and thirteen of the acts of the year eighteen hundred and eighty-five, chapters two hundred and sixty-seven and four hundred and thirty-one of the acts of the year eighteen hundred and eighty-seven, chapter two hundred and nine of the acts of the year eighteen hundred and eighty-eight, chapters two hundred and twenty-seven and four hundred and seventy-two of the acts of the year eighteen hundred and ninety-three, and chapter four hundred and thirty-five of the acts of the year eighteen hundred and ninety-four, are hereby repealed. [*Approved May 15, 1896.*]

[Amended by chapter 522, Acts of 1901, by adding the following new sections: *Section 25.* In case a charge or complaint against a

registered pharmacist of the Commonwealth is pending before the board of registration in pharmacy, such pharmacist or his counsel shall have the same right of access to all documents in the possession of said board as a person charged with an offence or crime before the courts of the Commonwealth would have. *Section 26.* Whoever violates any provision of this act, not otherwise specifically provided for, shall for each offence be punished by a fine of not less than fifty dollars. *Section 27.* When a person is convicted of the violation of any provision of this act the court in which or the magistrate before whom such conviction is had shall send to the board of registration in pharmacy a certificate under seal showing the time and place of such conviction.]

[CHAPTER 50, ACTS OF 1901.]

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF ENFORCING
THE LAW TO REGULATE THE PRACTICE OF PHARMACY.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and one, to wit :—

For expenses in connection with carrying out the law relative to complaints against registered pharmacists, a sum not exceeding two thousand dollars.

For services and expenses of the board of registration in pharmacy, salary and expenses of an agent, stenographer, postage, printing and incidental expenses, a sum not exceeding forty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage. [*Approved February 14, 1901.*]

[CHAPTER 87, ACTS OF 1901.]

AN ACT RELATIVE TO THE SALE OF INTOXICATING LIQUORS BY
PHARMACISTS.

Be it enacted, etc., as follows :

SECTION 1. The fourth clause of section nine of chapter one hundred of the Public Statutes, as amended by chapter one hundred and fifty-eight of the acts of the year eighteen hundred and eighty-four, is hereby further amended by adding at the end thereof the words :—*provided, however, that the phrase “or to a person known to have been supported in whole or in part by public charity at any time*

during the twelve months next preceding the date of the license," shall not apply in cases where the sale of liquor is made upon the prescription of a duly registered physician,—so as to read as follows:—Fourth, That no sale or delivery of liquor shall be made on the premises described in the license to a person known to be a drunkard, to an intoxicated person, or to a person who is known to have been intoxicated within the six months next preceding, or to a minor, either for his own use, the use of his parent, or of any other person, or to a person known to have been supported in whole or in part by public charity at any time during the twelve months next preceding the date of the license: *provided, however*, that the phrase "or to a person known to have been supported in whole or in part by public charity at any time during the twelve months next preceding the date of the license", shall not apply in cases where the sale of liquor is made upon the prescription of a duly registered physician.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage. [*Approved February 27, 1901.*]

SEVENTEENTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION IN PHARMACY,

FOR THE

YEAR ENDING OCTOBER 1, 1902.



BOSTON :
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
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1903.

C.

APPROVED BY
THE STATE BOARD OF PUBLICATION.

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NAMES OF BOARD AND OFFICERS.

CHARLES F. NIXON, *President.*

AMOS K. TILDEN, *Secretary.*

FREEMAN H. BUTLER.

GEORGE M. HOYT.

HENRY ADAMS.

SIMON B. HARRIS, *Agent.*

Commonwealth of Massachusetts.

REPORT.

To His Excellency W. MURRAY CRANE, *Governor*.

SIR: — The Revised Laws provide that the Board “shall annually, . . . make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.” The greater part of this matter will be found in the report of the secretary.

The general condition of pharmacy in this State is not greatly different from that in recent preceding years. The stores in which the professional side of pharmacy is the prominent one and many in which the commercial side is more prominent are doing successful and satisfactory business. There are, as always, many stores in the State that have little excuse for existence, in which business is not so successfully conducted.

The general work of the Board has been conducted as formerly, with the purpose of dealing justly and fairly with all concerned. Our agent's report shows that the violations of the laws under the supervision of this Board have been less in number than in the previous year, and that the greater part of such violations have been made by unregistered persons. In the granting of certificates for sixth-class liquor licenses the Board has been much embarrassed. The statutes require that pharmacists holding sixth-class liquor licenses shall keep a record of each sale and the detail of keeping such record is carefully prescribed. There is no apparent reason why pharmacists making legitimate sales should fail to comply with this requirement, but it is found that in many stores of unquestioned reputation no record or incomplete records have been

kept. In some cities and towns it has been practically impossible to find a properly kept record book. The Board has found it impracticable to draw a line between stores of varying reputations, and in all cases has felt obliged to withhold certificates of fitness for a time, as the individual case seems to require. It is not the province of this Board to pass upon the usefulness or value of the records of liquor sales. The statute requires that they shall be made, and it is one of the duties of this Board to enforce this requirement.

The attention of the Board is frequently called to stores operated by unregistered persons, sometimes as a permanent arrangement, but more often by registered proprietors leaving their stores in charge of unregistered clerks for days or weeks at a time. Such procedure is clearly a violation of the law, and when such violation comes to the attention of the Board, it is obliged to take action.

LEGISLATION.

The statutes provide (Revised Laws, chapter 76, section 17) that "The board may suspend the effect of the certificate of registration as a pharmacist for such term as the board fixes," etc., but there is no provision for the disposal of the suspended certificate. It frequently occurs, therefore, that suspended certificates remain exposed in the stores as before suspension, and stores have been found in the past year operating under suspended or revoked certificates. The Board recommends that the laws be so amended that revoked or suspended certificates shall not be exposed, and that a penalty be provided for noncompliance with this provision.

EXAMINATION OF CANDIDATES FOR REGISTRATION.

It is believed that the present method of examination of candidates for registration gives general satisfaction. The examination consists of four parts: first, written; second, oral; third, dispensing of prescriptions; and fourth, the identification of drugs. The percentage of those who successfully pass is comparatively small. The number of persons examined during the year ending Oct. 1, 1902, was 327. Of these, 96 passed, making a percentage of 29. One hundred and two of these persons were examined more than once, thus making the

secretary's report show 449. On this basis the percentage is 21.4. It is not believed that this low percentage is due to over-rigid requirements, but rather to lack of proper preparation of candidates. Too many prepare themselves on the basis of learning questions and answers, thus failing to acquire a knowledge of the principles involved. The Board would again express the opinion that only by systematic study of the underlying principles of pharmacy, chemistry and materia medica, can candidates become proficient pharmacists and be entitled to registration.

By the operation of the law that precludes the reappointment of the members of the Board, the term of Mr. Amos K. Tilden expires with this report. He has been a member of the Board for twelve years, and served as its secretary for the last three and one-half years. During this period radical changes have been made in the work and methods of the office. He leaves the Board with the love and respect of all with whom he has labored, and in his retirement the druggists of the State lose the services of a genial friend and the State a faithful servant.

Respectfully submitted,

C. F. NIXON, *President.*

AMOS K. TILDEN, *Secretary.*

F. H. BUTLER.

GEO. M. HOYT.

HENRY ADAMS.

BOSTON, MASS., Oct. 1, 1902.

SECRETARY'S REPORT.

EXAMINATION ACCOUNT.

Meetings for examinations have been held on dates and with results as follows : —

1901-1902.	Days.	Examined.	Registered.	Rejected.
October 1,	1	10	3	7
October 8,	1	9	—	9
October 15,	1	9	—	9
October 21,	1	8	2	6
October 29,	1	9	1	8
November 12,	1	9	2	7
November 19,	1	8	3	5
December 3,	1	9	1	8
December 10,	1	7	1	6
December 31,	1	10	6	4
January 7,	1	10	3	7
January 14,	1	9	3	6
January 21,	1	10	3	7
January 28,	1	10	3	7
February 4,	1	9	—	9
February 11,	1	10	1	9
February 18,	1	9	1	8
February 25,	1	10	1	9
March 4,	1	10	2	8
March 11,	1	8	—	8
March 18,	1	11	5	6
March 24,	1	9	4	5
March 25,	1	11	3	8
April 1,	1	8	—	8
April 8,	1	10	1	9
April 15,	1	10	2	8
April 22,	1	11	2	9
April 29,	1	11	—	11
May 6,	1	9	1	8
May 13,	1	10	2	8
May 20,	1	10	4	6
May 27,	1	12	7	5
June 9, 10, 11,	3	26	6	20
June 16,	1	9	2	7
June 18, 19,	2	19	4	15
June 23, 24, 25, 26,	4	45	11	34
June 30,	1	11	1	10
September 22, 23,	2	18	4	14
September 29, 30,	2	16	1	15
Totals,	47	449	96	353

Of the ninety-six certificates granted this year : —

25 passed on first examination.				5 passed on eighth examination.			
22	"	second	"	3	"	ninth	"
5	"	third	"	1	"	tenth	"
15	"	fourth	"	2	"	eleventh	"
9	"	fifth	"	1	"	twelfth	"
2	"	sixth	"	1	"	fourteenth	"
4	"	seventh	"	1	"	fifteenth	"

FINANCIAL STATEMENT FROM OCT. 1, 1901, TO JULY 1, 1902.

Oct. 1, 1901, cash in State treasury, \$681 43

Received from Oct. 1, 1901, to July 1, 1902 : —

Fees from applicants, 269 at \$3,	\$807 00
Fees from applicants, 133 at \$5,	665 00
For duplicate certificates,	6 00
	<hr/>
	1,478 00
	<hr/>
	\$2,159 43

Expenditures.

	Services.	Expenses.	Total.
C. F. Nixon, president,	\$245 00	\$122 40	\$367 40
C. F. Nixon, drugs,	—	4 15	4 15
A. K. Tilden, secretary,	212 50	23 65	236 15
A. K. Tilden (miscellaneous bills),	—	49 65	49 65
F. H. Butler,	215 00	82 95	297 95
G. M. Hoyt,	265 00	68 80	333 80
G. M. Hoyt, drugs,	—	6 70	6 70
Henry Adams,	200 00	255 67	455 67
John A. Rice,	10 00	22 44	32 44
	<hr/>	<hr/>	<hr/>
	\$1,147 50	\$636 41	\$1,783 91

Wright & Potter Printing Company,	\$17 10
The E. L. Patch Company,	52 27
Neostyle Company,	79 46
A. W. Baker & Co.,	7 20
Whitall, Tatum Company,	8 27
Gilman Brothers,	5 92
J. L. Hammett Company,	3 24
Theodore Metcalf Company,	2 49
	<hr/>
	175 95
	<hr/>
	1,959 86

Balance in State treasury, \$199 57

Liabilities.

Applicants not examined, fees paid:—

Prior to Oct. 1, 1901:—

51 at \$3, \$153 00

48 at \$5, 240 00

\$393 00

From Oct. 1, 1901, to Oct. 1, 1902:—

29 at \$3, \$87 00

10 at \$5, 50 00

137 00

\$530 00

APPLICATIONS FOR CERTIFICATES OF FITNESS.

Applications received from Oct. 1, 1901, to March 1, 1902, to expire April 30, 1902, 79

Certificates granted, 47

Applications rejected or withdrawn, 30

Transferred to new account, 2

Applications received from March 1, 1902, to July 1, 1902, to expire April 30, 1903, 1,233

Certificates granted, 1,115

Applications rejected or withdrawn, 115

Transferred to new account, 3

Total number of applications from Oct. 1, 1901, to July 1, 1902, 1,312

Total number of certificates granted, 1,162

Total number of applications rejected or withdrawn, 145

Total number transferred to new account, 5

Total amount of fees received from Oct. 1, 1901, to July 1, 1902, \$1,312 00

Returned to rejected applicants or withdrawn, . . \$145 00

Cash paid to State Treasurer, 1,162 00

Transferred, 5 00

FINANCIAL STATEMENT FROM OCT. 1, 1901, TO JULY 1, 1902.

	Services.	Expenses.	Total.
C. F. Nixon, president, . . .	\$170 00	\$78.40	\$248 40
A. K. Tilden, secretary, . . .	605 00	14 00	619 00
A. K. Tilden (miscellaneous bills), . . .	—	45 53	45 53
F. H. Butler,	80 00	31 20	111 20
G. M. Hoyt,	82 50	28 45	110 95
Henry Adams,	70 00	83 27	153 27
S. B. Harris,	955 00	460 04	1,415 04
Lucie Barret Koch,	5 00	—	5 00
Bessie Burroughs,	530 00	—	530 00
	<hr/>	<hr/>	<hr/>
	\$2,497 50	\$740 89	\$3,238 39

Wright & Potter Printing Company, . . .	\$132 65	
Burditt & Williams Company, . . .	2 92	
J. L. Fairbanks & Co., . . .	15 38	
New England Telephone and Telegraph Company, . . .	4 88	
Thorp & Martin Company, . . .	1 10	
A. W. Baker Co., . . .	1 40	
Press Clipping Bureau, . . .	14 98	
A. R. Andrews, . . .	1 00	
Wyckoff, Seamans & Benedict, . . .	5-00	
	<hr/>	\$179 31
		<hr/> \$3,417 70

Number of meetings held for granting to applicants certificates of fitness, Oct. 1, 1901, to Oct. 1, 1902, . . .	24
Number of hearings on applications for certificates of fitness, Oct. 1, 1901, to Oct. 1, 1902, . . .	110

ENFORCEMENT OF PHARMACY LAW.

SUMMARY, OCT. 1, 1901, TO OCT. 1, 1902.

Number of meetings for enforcement of pharmacy law, . . .	9
Number of hearings on violations of pharmacy law, . . .	17
Number of certificates suspended for two years, . . .	3
Number of certificates suspended for one year, . . .	4
Number of certificates suspended for six months, . . .	3
Number of certificates suspended for three months, . . .	3
Number of cases continued for sentence, . . .	4
Number of formal complaints to the Board, . . .	15
Number of pharmacists reinstated, . . .	2

FINANCIAL STATEMENT FROM OCT. 1, 1901, TO JULY 1, 1902.

	Services.	Expenses.	Total.
C. F. Nixon, . . .	\$80 00	\$49 60	\$129 60
A. K. Tilden, . . .	45 00	4 00	49 00
A. K. Tilden, cash paid for wit- ness fees, . . .	—	56 63	56 63
F. H. Butler, . . .	25 00	9 75	34 75
G. M. Hoyt, . . .	42 50	13 35	55 85
Henry Adams, . . .	40 00	58 33	98 33
S. B. Harris, . . .	195 00	104 88	299 88
	<hr/>	<hr/>	<hr/>
	\$427 50	\$296 54	\$724 04

FINANCIAL STATEMENT FROM JULY 1, 1902, TO OCT. 1, 1902.

DR.	Examinations.	CR.
Cash on hand July 1, 1902, \$68 00	Paid State Treasurer, . .	\$198 00
Fees received: —		
25 at \$3, . . . \$75 00		
11 at \$5, . . . 55 00		
<hr/>		
130 00		
<hr/>		
\$198 00		

Dr.	<i>Certificates of Fitness.</i>		Cr.
Fees received,	\$47 00	Paid rejected applicants, . .	\$8 00
		Paid State Treasurer, . .	35 00
		Transferred to new account, .	4 00
			<hr/> \$47 00

Expenditures of the Board.

Amount appropriated by Legislature for the months of July,
August and September, \$1,875 00

	Salaries.	Expenses.	Total.
C. F. Nixon,	\$125 00	\$30 80	\$155 80
A. K. Tilden,	250 00	3 55	253 55
A. K. Tilden (miscellaneous bills),	—	11 33	11 33
F. H. Butler,	75 00	13 65	88 65
G. M. Hoyt,	75 00	13 00	88 00
G. M. Hoyt, drugs,	—	50	50
Henry Adams,	75 00	48 30	123 30
S. B. Harris,	375 00	185 49	560 49
Bessie Burroughs,	180 00	—	180 00
	<hr/> \$1,155 00	<hr/> \$306 62	<hr/> \$1,461 62
Press Clipping Bureau,		\$5 50	
Sampson, Murdock Company,		6 50	
Whitall, Tatum Company,		2 04	
Weeks & Potter Company,		2 29	
Wright & Potter Printing Company,		7 33	
New England Telephone and Telegraph Company,		1 25	
The E. L. Patch Company,		11 83	
Gilman Brothers,		1 96	
J. L. Hammett Company,		2 25	
Wyckoff, Seamans & Benedict,		3 65	
		<hr/> 44 60	
			<hr/> 1,506 22
Balance,			\$368 78

AMOS K. TILDEN,

Secretary.

NOTE.—By Acts of the Legislature of 1902 it became necessary for the secretary of the Board to keep two accounts. Chapter 382 of said Acts made an appropriation, for carrying on the work of the Board, of the sum of \$4,000. Chapter 525 is an act to make provision for salaries of the members of the Board of Pharmacy, also making appropriation for carrying on the work and expenses of the Board, the sum of \$3,750, to take effect from and after the first day of July, 1902, thereby repealing chapter 382 of the Acts of the present year.

AGENT'S REPORT.

To the Board of Registration in Pharmacy.

Herewith submitted is a review of the duty performed by me under your orders during the past year, with statements regarding the lawful and unlawful conditions of the business of pharmacy throughout the Commonwealth.

The following registered pharmacists died during the year : —

Anderson, Joseph E., . . Boston.	Hill, James W. H., . . Boston.
Andros, Henry S., . . Cambridge.	Keen, Frederick, . . . Worcester.
Anctil, Alexis, . . . Fall River.	Laing, Alfred A., . . . Cambridge.
Bannon, Edward J., . . Boston.	Lewis, Fred E., . . . Boston.
Beck, Thomas B., . . . Haverhill.	Morrison, Robert D., . . Boston.
Blake, William H., . . Boston.	Packard, Bertrand, . . Pittsfield.
Buttrick, John H., . . Lowell.	Palmer, John W., . . . Boston.
Carrol, Edward, . . . Boston.	Parker, George H., . . Andover.
Collins, Frank E., . . Millbury.	Pease, Francis M., . . Lee.
Cofren, Noah G., . . . Malden.	Sammons, John P, . . Pittsfield.
Coombs, Charles E., . . Boston.	Smith, Nathan F., . . Williamstown.
Cummings, Henry, . . Boston.	Standley, Horace, . . . Beverly.
Edgerton, George A., . Chicopee.	Thorndike, Edward, . . Cambridge.
Gilbert, Fairfield, . . Boston.	Underhill, William H., . Haverhill.
Green, Henry C., . . . Fitchburg.	Woodman, Charles H., . Boston.
Grover, Elbridge H., . Boston.	

Every portion of the State where drug stores are located has been visited by me in the performance of my duties. Many localities have received several calls.

It is gratifying to state that prosecutions have not been as numerous during 1902 as formerly, which may be considered creditable to the profession.

The majority of those prosecuted and convicted were unregistered persons. Several were determined to carry on the drug business, although advised to give it up, thereby saving a court record. One person convicted was a town clerk who had held the position for nearly forty years. In the case of two others who engaged in the business, the only pretext whereby the

claim was made that they were conforming to the law was the displaying of a certificate of registration in pharmacy by one of the proprietors, which had been revoked altogether seven years before. Both promptly paid their fines and dissolved partnership.

Others were unregistered clerks, who took the responsibility to make illegal sales of liquor unknown to the registered proprietors. In several instances the sales were made to officers who were looking for evidence, the persons making the sale being arrested at the time, thereby obtaining for themselves the publicity of arrest and conviction, at the same time jeopardizing the reputation and license of their employers. It does not seem that the profits received upon such risks could be sufficient to compensate for the resulting expenses and annoyances.

A few were registered proprietors, unlicensed, but who took chances to sell liquor illegally, were caught in the act, fined in court, and certificates of registration in pharmacy suspended by your Board, which ought to so impress the defendants that they will not again violate the pharmacy laws.

There still exists in the minds of some the desire to engage in the pharmacy business without any qualification except being possessed with the funds to obtain a drug store, without first lawfully associating themselves with registered partners. Then the hunt begins to find some one who has a certificate of registration, who will, for a consideration per week, serve the proprietors in the compounding and dispensing of medicine, and also to state at all times, when inquired of, "I am a partner of Mr. Blank," although not one cent has been paid by the registered clerk for an interest in the store, while back of the whole proceedings is the desire of the unregistered proprietor that the registered man shall obtain a sixth-class license. If he fails, as he should under the law, his services are no longer wanted. Another takes his place, and makes application for a license certificate. In the event of his failure to obtain the desired prize, he retires, as his predecessor did. Then, between the going and coming of the registered men, said unregistered proprietor undertakes to keep the store open for business, thereby taking the chances, through ignorance, of making mis-

takes, causing individual pain and suffering, sometimes death. Two instances are recalled where death ensued in one and painful results attended the other. Prosecutions and convictions followed. Then the would-be proprietors (the registered clerks) were open to congratulations that they had escaped said consequences.

Another attempt to violate the provisions of the pharmacy law, which came to the attention of the Board, was fully investigated and remedied. Certain department stores, doing business as stock companies, subletting space to would-be druggists, claimed the right to do business as stock companies under section 22, chapter 100, Revised Laws, when in fact the whole drug business was owned by one unregistered man, pretending to conduct his business under said statute, having only a registered clerk for two stores, operating a third with a registered partner. The three stores consolidated into one firm, with a registered partner in each to supervise the dispensing of medicine, thereby protecting the public against incompetency.

As your agent has taken occasion to remark before, the local authorities generally co-operate with the Board in the enforcement of the pharmacy laws. The fact remains, however, that in a few localities no attention is paid whatever by said authorities, notwithstanding the unlawful conditions have been severely commented on from the pulpits and justices in open court, consequently compelling the Board to proceed and abate the nuisance without the assistance of the sworn officers of the law.

To illustrate: a complaint came to the office that a certain unregistered man (giving his name) in a certain town was conducting a drug store, no registered person being connected therewith. The chairman of the Board of Selectmen was made acquainted with the facts, who replied, "He is all right" (meaning the would-be druggist) "he doesn't do much business," when in fact he had a well-equipped store, advertised as a druggist, solicited prescriptions, and had taken out an internal revenue license from the government to do a retail liquor business. His former occupation was landlord of a hotel. He was complained of to the court by me, pleaded guilty, paid the

penalty and abandoned the business; whereas, if the local authorities had interested themselves in the matter, such a state of affairs would not have been possible.

The great majority of prosecuting officers in the State, who have rendered valuable assistance, are entitled to our thanks. To those who personally have assisted me in the performance of my duty, grateful acknowledgment is herewith extended.

RECAPITULATION.

Number of druggists deceased,	31
Number of drug stores in the Commonwealth,	1,552
Number of drug stores closed during the year,	32
Number of new drug stores opened for business,	16
Number of stores found, owned by unregistered proprietors, no registered partners,	28
Number of complaints made to the Board investigated,	96
Number of complaints investigated and reported for prosecution,	65
Number of prosecutions,	57
Number of convictions,	50
Number found not guilty,	7
Amount of fines imposed,	\$2,125
Number of formal complaints made to the Board,	15

In conclusion, your courtesies extended to me are fully appreciated, for which accept my thanks.

Respectfully submitted,

SIMON B. HARRIS,
Agent.

LAWS

RELATING TO

THE PRACTICE OF PHARMACY

IN

MASSACHUSETTS.

1902.

LAWS RELATING TO PHARMACY.

[CHAPTER 76, REVISED LAWS.]

REGISTRATION OF PHARMACISTS.

SECTION 10. There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in September be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of October following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years.

SECTION 11. Said board shall meet on the first Tuesday of October in each year at such time and place as it may determine, and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October, and additional meetings at such times and places as it shall determine.

SECTION 12. Each member of the board shall receive five dollars for every day actually spent in the performance of his duties and the amount actually paid by him, not exceeding three cents a mile each way, for necessary travelling expenses in attending the meetings of the board. The bills for such compensation and his incidental and travelling expenses shall be approved by the board and paid by the commonwealth. So much of the receipts from examinations as may be necessary for the compensation and expenses of the board may, in addition to any amount authorized by the general court, be used for such purpose.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

SECTION 14. A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 16. The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, the enforcement of which is under the supervision of the board of registration in pharmacy, and especially of the laws relating to the sale of intoxicating liquors; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

SECTION 17. If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist

shall not be suspended for a cause punishable by law until after his conviction by a court of competent jurisdiction.

SECTION 18. Whoever, not being registered as aforesaid, retails, compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

SECTION 19. The Board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

SECTION 20. The board of registration in pharmacy may annually expend not more than two thousand dollars in the performance of its official duties.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel, shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

SECTION 23. The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any unregistered member of a copartnership be liable to the penalties hereof if he retails, compounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist.

♦

[CHAPTER 100, REVISED LAWS.]

DRUGGISTS AND APOTHECARIES.

SECTION 21. Druggists and apothecaries may sell pure alcohol for medicinal, mechanical or chemical purposes; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22. No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate of fitness prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store.

SECTION 23. The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than one dollar, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. If complaint is made, it shall state in writing the reason why a certificate should be withheld.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business in person and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, widow, executor or administrator under another registered pharmacist.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or chemical

purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows:—

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book and shall not be detached therefrom, and shall be in form substantially as follows:—

Certificate.

I wish to purchase _____
and I certify that I am not a minor and that the same is to be used for
* Mechanical * Chemical * Medicinal purposes. (* Draw a line through
the words which do not indicate the purpose of the purchase.)

○ Signature _____

Cancelled, _____

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and in all other cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.

SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten of chapter two hundred and twenty shall not apply to such sentence.

[CHAPTER 213, REVISED LAWS.]

OF CRIMES AGAINST THE PUBLIC HEALTH.

SECTION 2. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats," strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words Poison and Antidote, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken pack-

ages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines or trees, except that he shall record each sale and label each package sold, as above provided.

[CHAPTER 321, ACTS OF 1902.]

AN ACT TO AUTHORIZE THE BOARD OF REGISTRATION IN PHARMACY TO RECONSIDER ITS ACTION IN CASES WHERE IT MAY HAVE SUSPENDED OR REVOKED THE LICENSE OR CERTIFICATE OF REGISTRATION.

Be it enacted, etc., as follows:

SECTION 1. Section seventeen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "suspended", in the fifth line, the words: — or revoked,— and by adding at the end thereof the words: — The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require,— so as to read as follows: — *Section 17.* If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

SECTION 2. This act shall take effect upon its passage. [*Approved April 18, 1902.*]

[CHAPTER 505, ACTS OF 1902.]

AN ACT TO ESTABLISH THE SALARIES OF THE MEMBERS OF THE BOARD OF REGISTRATION IN MEDICINE, THE BOARD OF REGISTRATION IN PHARMACY AND THE BOARD OF REGISTRATION IN DENTISTRY.

Be it enacted, etc., as follows:

SECTION 1. The secretary of the board of registration in medicine shall receive a salary of twenty-five hundred dollars a year, and the other members of the said board shall each receive a salary of three hundred dollars a year.

SECTION 2. The secretary of the board of registration in pharmacy shall receive a salary of one thousand dollars a year, and the other members of said board shall each receive a salary of three hundred dollars a year, except that the chairman of said board shall receive a salary of five hundred dollars.

SECTION 3. The chairman and secretary of the board of registration in dentistry shall each receive a salary of four hundred dollars a year, and the other members of said board shall each receive a salary of two hundred dollars a year.

SECTION 4. Each member of the boards mentioned in sections one, two and three shall receive in addition to his salary his necessary travelling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board of registration in medicine, the board of registration in pharmacy and the board of registration in dentistry shall be paid out of the treasury of the commonwealth.

SECTION 5. The fees received for examination and registration of applicants before the board of registration in medicine, before the board of registration in pharmacy, and before the board of registration in dentistry, shall be paid monthly by the secretaries of the respective boards into the treasury of the Commonwealth.

SECTION 6. Sections four, twelve and twenty-seven of chapter seventy-six of the Revised Laws are hereby repealed.

SECTION 7. This act shall take effect on the first day of July in the year nineteen hundred and two. [*Approved June 23, 1902.*]

EIGHTEENTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION IN PHARMACY,

FOR THE

YEAR ENDING SEPTEMBER 30, 1903.



BOSTON :

WRIGHT & POTTER PRINTING CO., STATE PRINTERS,

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1904.

A small, stylized printer's mark or ornament, resembling a calligraphic flourish or a small 'C' with a dot.

APPROVED BY
THE STATE BOARD OF PUBLICATION.

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NAMES OF BOARD AND OFFICERS.

GEORGE M. HOYT, *President.*

CHARLES F. NIXON, *Secretary.*

FREEMAN H. BUTLER.

HENRY ADAMS.

WILLIAM F. SAWYER.

SIMON B. HARRIS, *Agent.*

Commonwealth of Massachusetts.

REPORT.

To His Excellency JOHN L. BATES, *Governor*.

SIR : — In compliance with the laws of the Commonwealth, which provide that the State Board of Pharmacy shall annually make a report to the Governor and Council concerning the condition of pharmacy in the State, also of its official acts and financial transactions during the preceding year, we have the honor to respectfully submit the following report.

Speaking from the commercial side of pharmacy, we are happy to state there has been a decided improvement in most parts of the Commonwealth over the conditions existing during the previous years. In many towns and cities, by persistent work and co-operation, the pharmacists have eliminated the cut-rate evil, and brought about a condition of fraternal organization, which has been of great benefit from both a financial and social point of view. This condition applies more particularly to the towns which are at a distance from the larger cities which are the centre of the cut-rate business. The pharmacists in and around greater Boston and its vicinity still have to contend with department stores and other disturbing influences which serve to degrade true pharmacy; but even here a change for the better has taken place, and by organization many improvements in the condition of the retail drug business have been made.

Pharmacy of to-day is a combination of science and business, and the pharmacist is both a business man and a professional one; but we think the professional side is not losing ground,

and that the pharmacists of Massachusetts, as a rule, take pride in their calling, and are willing to do all they can to help us maintain a high standard of pharmacy in our Commonwealth.

EXAMINATIONS.

During the past year our examinations have been conducted on the same general lines as in the preceding year, and consist of written, oral and practical work, with the identification of drugs, which we think serve to demonstrate the fitness of the candidate to become a registered pharmacist.

The per cent. of successful candidates has been somewhat larger than during the preceding year. The question is often asked, why so many fail to pass our examinations. The reasons are many, but one very important one, to which we wish to call particular attention at the present time, is the lack of a proper education. Too many young men enter the drug stores to learn the business without even a common school education, and are handicapped all their lives. They do not know how to study, and some of them cannot solve the simplest of mathematical problems. The rules of per cent. solution and decimal fractions, which are in constant use by the pharmacist of to-day, are beyond their comprehension. We would most strongly emphasize the great need of a thorough preliminary education for all young men before they enter the drug store for the purpose of learning the business; and we think it is the duty of every pharmacist to require that a young man should have a high school diploma before he accepts him as an apprentice. We would advise all young men entering the profession of pharmacy to avail themselves, if possible, of the advantages offered by the colleges of pharmacy in obtaining a pharmaceutical education.

ENFORCEMENT OF THE PHARMACY LAW.

When the Commonwealth conferred on the pharmacists of this State the privilege of selling spirituous liquors for medicinal purposes, its law makers recognized the fact that it is necessary there should be in every community a place where liquors can be obtained for medicinal use, and that the pharma-

cist is the proper person to be entrusted with their sale in connection with other medicines; for it is a fact that, when properly used, they are a necessity and a medicine, and are a legitimate part of the pharmacist's stock.

The sixth-class license, for which the pharmacist pays the nominal sum of one dollar, is a personal trust, given to him to use for the good of the community and not for the purpose of money making, and should be so regarded by him. A small minority of the pharmacists of our State, instead of making a liquor license an adjunct to their business, have used it as a cloak for the indiscriminate sale of liquor; and it is the purpose of this Board to prevent, if possible, such men from doing business, and every law-abiding pharmacist should support us in our efforts to drive them from our ranks.

The Board, through its agent, has investigated every complaint that has come to our office. If, on investigation, the complaint is sustained by facts, it is our policy to ask the pharmacist to obey the laws; and in many cases this request is sufficient, and no further action on our part is necessary. It is not the intention of the Board to interfere with the local authorities in the enforcement of the laws; but in some cases, where they will not act after the evidence has been laid before them, we have been obliged to take cases into court and have our agent act as the prosecuting officer, but this is only done as a last resort.

One of the requirements of a sixth-class license is that the holder shall properly record all sales of liquors made under it. During the years 1901 and 1902 many druggists failed to keep their liquor books properly. In consequence of these violations of the law, the Board was compelled in many cases to refuse to grant them a certificate, and the druggists were deprived of their licenses for a time. We are happy to say that a much better condition prevails this year, and, as a rule, the record books have been kept in a proper manner.

Frequent complaints come to our office in regard to the illegal sale of poisons, and we have been criticised for not enforcing the poison law, when the facts are that the Board of Pharmacy has nothing whatever to do with this law. In most of the States the sale of poisons are under the supervision of

the boards of pharmacy, but this is not the case in Massachusetts.

During the past year in a few instances unregistered men have tried to operate drug stores in violation of the pharmacy law, but as soon as our attention was called to them the stores were closed, or provision made to conduct them according to law.

Our agent has visited all parts of the State in the discharge of his duties, and his official report to the Board is made a part of this document. The secretary's report, which is appended hereto, will give a detailed account of our work and a financial statement covering the past year.

Respectfully submitted,

GEO. M. HOYT, *President.*

C. F. NIXON, *Secretary.*

F. H. BUTLER.

HENRY ADAMS.

WILLIAM F. SAWYER.

BOSTON, MASS., Oct. 1, 1903.

The term of office of Mr. F. H. Butler, the senior member of our Board, expired October 1 of this year, and under the provisions of the present pharmacy law he could not be reappointed. He has served continuously since its institution in 1885, a period of eighteen years, and during that time he has been conscientious, loyal and faithful in the discharge of his duties. A man of strong convictions and sterling integrity, he has always been ready to stand firmly for what he believed to be right. He leaves the Board with the honor and respect of all with whom he has been associated, and in his retirement the State loses the services of a faithful officer.

GEO. M. HOYT.

C. F. NIXON.

HENRY ADAMS.

WILLIAM F. SAWYER.

SECRETARY'S REPORT.

EXAMINATION ACCOUNT.

Meetings for examinations have been held on dates and with results as follows : —

1902-1903.	Days.	Examined.	Registered.	Rejected.
October 7,	1	8	2	6
November 10,	1	10	—	10
November 11,	1	11	5	6
November 18,	1	11	—	11
December 2,	1	7	2	5
December 16,	1	12	3	9
January 6,	1	10	4	6
January 13,	1	11	1	10
January 20,	1	11	2	9
January 27,	1	7	—	7
February 10,	1	11	4	7
February 24,	1	12	3	9
March 3,	1	9	2	7
March 10,	1	8	4	4
March 17,	1	11	3	8
March 24,	1	12	5	7
March 31,	1	12	3	9
April 7,	1	8	2	6
April 14,	1	7	—	7
April 28,	1	6	1	5
May 5,	1	6	3	3
May 12,	1	7	4	3
May 19,	1	8	2	6
May 26,	1	12	4	8
June 2,	1	11	3	8
June 4,	1	12	2	10
June 16,	1	10	4	6
June 19,	1	12	6	6
June 23,	1	12	2	10
June 24,	1	12	6	6
June 26,	1	11	2	9
September 15,	1	7	3	4
September 22,	1	5	1	4
September 29,	1	10	4	6
Totals,	34	329	92	237

Of the ninety-two certificates granted this year:—

25 passed on first examination.	3 passed on sixth examination.
21 " second "	2 " eighth "
19 " third "	2 " ninth "
9 " fourth "	1 " tenth "
10 " fifth "	

FINANCIAL STATEMENT FROM OCT. 1, 1902, TO OCT 1, 1903.

Examinations.

Fees received:—

For examination, 232 at \$3,	\$696 00
For examination, 117 at \$5,	585 00
For duplicate certificates, 7 at \$1,	7 00
	<hr/>
	\$1,288 00

Paid State Treasurer,	\$1,288 00
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NOTE.—Nov. 14, 1902, the examination fee of \$5 was returned to Thomas D. Driscoll, it having been found that he was ineligible for examination. The amount having been sent to the State Treasurer, it was subsequently returned to the Board, upon request of the secretary.

Applicants not examined, fees paid:—

Prior to Oct. 1, 1902:—

53 at \$3,	\$159 00
51 at \$5,	255 00
	<hr/>
	\$414 00

From Oct. 1, 1902, to Oct. 1, 1903:—

42 at \$3,	\$126 00
10 at \$5,	50 00
	<hr/>
	176 00
	<hr/>
	\$590 00

Certificates of Fitness.

Amount received from Oct. 1, 1902, to March 1, 1903, for certificates of fitness to expire April 30, 1903 (\$1 each), . . . \$41 00

Cash paid to State Treasurer, certificates having been granted, \$29 00

Fees returned, applications having been rejected or withdrawn, 12 00

Amount received from March 1, 1903, to Oct. 1, 1903, for certificates of fitness to expire April 30, 1904 (\$1 each), . . . \$1,222 00

Cash paid to State Treasurer, certificates having been granted, \$1,172 00

Fees returned, applications having been rejected or withdrawn, 47 00

Amount transferred to new account, applications continued for action by the Board, 3 00

Summary, Oct. 1, 1902, to Oct. 1, 1903.

Number of meetings held for hearings and miscellaneous business,	16
Number of hearings on applications for duplicate certificates,	2
Number of hearings on applications for certificates of fitness,	68
Number of hearings on violations of the pharmacy law,	14
Number of certificates suspended for five years,	3
Number of certificates suspended for three years,	1
Number of certificates suspended for one year,	1
Number of certificates suspended for six months,	1
Number of certificates suspended for three months,	6
Number of cases continued for sentence,	2
Number of formal complaints to the Board,	18
Number of pharmacists reinstated,	4

Annual appropriation for use of the Board of Registration in Pharmacy for the year ending Dec. 31, 1903: —

Salaries of members,	\$2,400 00
Expenses of members,	1,475 00
Agent, salary and expenses,	2,400 00
Stenographer, witness fees, incidental and contingent expenses, including printing of annual report,	1,450 00
	<u>\$7,725 00</u>

NOTE. — The financial year of the State ends December 31; the financial year of the Board of Registration in Pharmacy ends September 30.

Expenditures of the Board for the year ending Sept. 30, 1903: —

	Salaries.	Expenses.	Totals.
George M. Hoyt,	\$496 24	\$191 60	\$687 84
Charles F. Nixon,	990 59	392 15	1,382 74
Freeman H. Butler,	300 00	99 45	399 45
Henry Adams,	300 00	369 62	669 62
William F. Sawyer,	271 68	34 05	305 73
Amos K. Tilden,*	41 49	1 50	42 99
Simon B. Harris, agent,	1,500 00	696 90	2,196 90
Bessie B. Burroughs, stenographer,	720 00	—	720 00
	<u>\$4,620 00</u>	<u>\$1,785 27</u>	<u>\$6,405 27</u>
Wright & Potter Printing Company,		\$125 47	
The Bradstreet Company,		50 00	
New England Telephone and Telegraph Company,		8 51	
Press Clipping Bureau,		21 35	
Remington Typewriter Company,		8 70	
		<u>\$214 03</u>	<u>\$6,405 27</u>
<i>Amounts carried forward,</i>		\$214 03	\$6,405 27

* Mr. Tilden's term of service did not expire until the appointment of Wm. F. Sawyer, Nov. 5, 1902.

<i>Amounts brought forward,</i>	214 03	\$6,405 27
The E. L. Patch Company,	25 14	
J. L. Hammett Company,	11 25	
Sampson, Murdock Company,	6 50	
J. L. Fairbanks Company,	8 98	
George M. Hoyt (for drugs),	21 77	
F. S. Webster Company,	2 35	
F. W. Barry Beale & Co.,	3 30	
Neostyle Company,	90	
William H. Bradford,	2 10	
Whitall Tatum Company,	4 68	
H. E. Webster Company,	3 73	
Spatula Publishing Company,	1 50	
F. S. Blanchard & Co.,	3 00	
Pocket Manual Company,	1 00	
Henry W. Stone,	14 70	
Dennison Manufacturing Company,	1 52	
Belknap & Co.,	1 50	
Whitney & Co.,	1 50	
Maynard & Duncan,	25	
New York & Boston Despatch Express Company,	25	
Paid for witness fees,	86 00	
Paid for postal supplies,	14 74	
Paid for laundry for examination department,	6 29	
	<hr/>	436 98
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C. F. NIXON,

Secretary.

AGENT'S REPORT.

To the Board of Registration in Pharmacy.

Herewith for your consideration is a résumé of the work performed by me under your instruction during the year ending Sept. 30, 1903. A detailed account of service rendered and results obtained has already been submitted to you through my monthly reports.

The following registered pharmacists have died during the past year : —

Allen, Emory A., . . .	Randolph.	Owen, Timothy, . . .	Canton.
Conant, Charles H., . .	Concord.	Parker, Charles F., . .	Boston.
Gale, Stephen,	Boston	Phelps, Edward M., . .	Foxboro.
Gaudelet, William C., .	Newton.	Plumb, Sydney A., . . .	North Adams.
Harris, S. H., Jr., . . .	Methuen.	Shattuck, N. Lazelle, .	Barre.
Harwood, Frank L., . .	Warren.	Shaw, Henry F., . . .	Dalton.
Huntley, Joseph W., . .	Woburn.	Smith, Theophilus, . . .	Boston.
Keith, Walter C., . . .	Worcester.	Taylor, James P., . . .	New Bedford.
Martin, Alexander C., .	Chelsea.	Tucker, Alfred L., . . .	Springfield.
McGillivray, James S., .	Chelsea.	Weeks, Andrew G., . . .	Boston.

In the enforcement of the pharmacy laws of the Commonwealth, imposed upon the Board of Registration in Pharmacy, your representative has been sent to every portion of the State, to some localities several times. Whereas a majority of cases investigated came under the supervision of the Board and were remedied by ceasing to further violate the law, or by due process of court, a minority of complaints were found to be frivolous or actuated through malice, without any foundation, thereby unjustly attempting to injure the druggists and imposing useless expense upon the State, all of which served no useful purpose.

Complaints have not been as numerous during the year and prosecutions less than formerly, which certainly testifies creditably for the profession. There still remain a few tenacious,

would-be druggists, unregistered, who, under the pretext of having a registered partner, impose upon the public as druggists, until through repeated prosecutions they come to the conclusion that their business is subject to interference by the local authorities and the Board.

To illustrate : A store owned by a certain man, well known, unregistered, in —, has exhibited the tenacity referred to, for some time, although having been given good advice. The law forbids an unregistered proprietor of a drug store to conduct the business of pharmacy with a registered clerk. Notwithstanding this fact, several registered men were induced to jeopardize their certificates of registration under the pretext of being partners with him in the business. During the time this tenacious process was going on in this particular store, nine prosecutions and convictions of violators followed. Results : Fines paid, six hundred dollars ; four certificates of registration in pharmacy were suspended ; store closed.

Another illustration occurred in an adjoining city. A broker, unregistered, concluded to take upon himself the duties and the responsibilities of a registered pharmacist, assisted by an inexperienced young man. The store, on account of mismanagement, had been closed for some time prior to the new venture. The only semblance for conducting the store was conspicuously displayed, — the certificate of registration of a registered person. Shortly after the opening, the young man was detected selling intoxicating liquors. Prosecution and conviction in court followed. The proprietor was interviewed by your agent, in company with a police inspector. The following conversation took place : —

“ Who is the proprietor of this pharmacy ? ”

“ I am.”

“ Are you a registered pharmacist ? ”

“ No.”

“ By what authority do you conduct this drug store ? ”

“ I have a registered man,” — pointing to the certificate of registration.

“ Is he in at present ? ”

“ No.”

“ Where is he ? ”

“He has gone to Boston to buy goods.”

“Is he here supervising the store daily?”

“Here every day.”

“Now, isn’t it a fact that he is at present and has been for quite a while engaged in the lumber business in another town?” — giving the name.

The proprietor had to admit that he had not told the truth. The fact was, however, that the registered person in question had been out of the pharmacy business during the past eight years. The proprietor was prosecuted, charged with keeping and exposing for sale drugs, medicines, chemicals or poisons, without any authority in this Commonwealth; arrested and convicted. The registered man’s certificate of registration was suspended for five years. Store closed.

In the inspection of records of sales of liquor, made under a sixth-class license, in three instances the records disclosed a condition never contemplated under the license. In one instance over eight thousand sales had been recorded during the year. In two others, between five and six thousand sales were registered by each. The reason given for selling such quantities was this: “We supposed we were obliged to sell to every one who signs for it,” — notwithstanding it is optional under the license whether the licensee sells to any one, and, if he does, only for medicinal, mechanical and chemical purposes, using his discretion; and, if improper persons apply, they certainly ought to be refused.

These cases mentioned are rare, and conducted by the thoughtless, whereas the great majority in Massachusetts take pride in their calling, and justifiably so at the present time. They feel that their business is protected from interference by incompetent persons. It has been generally remarked by druggists met by me in my travel over the State that their business has been very good during the year, — more than an average.

During the year a new directory of all the drug stores in the State has been made, which shows that they are not as numerous as formerly. Those that have given up the business, in all probability, will not, under the present pharmacy laws, engage in the pharmacy business again.

Throughout the State the local authorities have rendered prompt assistance whenever called upon in the discharge of duty. They are entitled to grateful recognition.

RECAPITULATION.

Number of druggists deceased,	20
Number of drug stores in the Commonwealth,	1,530
Number of drug stores closed during the year,	15
Number of new drug stores opened for business,	7
Number of stores found owned by unregistered proprietors, no registered partners,	19
Number of complaints made to the Board investigated,	77
Number of complaints investigated and reported for prosecution,	46
Number of prosecutions,	41
Number convicted,	34
Number of cases continued for trial,	4
Number found not guilty,	3
Amount of fines imposed,	\$2,020
Number imprisoned,	3
Number of formal complaints made to the Board,	18

Very respectfully submitted,

SIMON B. HARRIS,
Agent.

L A W S

RELATING TO

T H E P R A C T I C E O F P H A R M A C Y

I N

M A S S A C H U S E T T S .

1903.

LAWS RELATING TO PHARMACY.

[CHAPTER 76, REVISED LAWS.]

REGISTRATION OF PHARMACISTS.

SECTION 10. There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in September be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of October following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years.

SECTION 11. Said board shall meet on the first Tuesday of October in each year at such time and place as it may determine, and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver-general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October, and additional meetings at such times and places as it shall determine.

SECTION 12. Each member of the board shall receive five dollars for every day actually spent in the performance of his duties and the amount actually paid by him, not exceeding three cents a mile each way, for necessary travelling expenses in attending the meetings of the board. The bills for such compensation and his incidental and travelling expenses shall be approved by the board and paid by the commonwealth. So much of the receipts from examinations as may

be necessary for the compensation and expenses of the board may, in addition to any amount authorized by the general court, be used for such purpose.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

SECTION 14. A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 16. The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, the enforcement of which is under the supervision of the board of registration in pharmacy, and especially of the laws relating to the sale of intoxicating liquors; or engaging with, or aiding and abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

SECTION 17. If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended for a cause punishable by law until after his conviction by a court of competent jurisdiction.

SECTION 18. Whoever, not being registered as aforesaid, retails, compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

SECTION 19. The board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

SECTION 20. The board of registration in pharmacy may annually expend not more than two thousand dollars in the performance of its official duties.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel, shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

SECTION 23. The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients: nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any unregistered member of a copartnership be liable to the penalties hereof if he retails, compounds for sale or dispenses for

medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist.

[CHAPTER 100, REVISED LAWS.]

DRUGGISTS AND APOTHECARIES.

SECTION 21. Druggists and apothecaries may sell pure alcohol for medicinal, mechanical or chemical purposes ; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22. No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate of fitness prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store.

SECTION 23. The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than one dollar, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. If complaint is made, it shall state in writing the reason why a certificate should be withheld.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business in person

and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, widow, executor or administrator under another registered pharmacist.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or chemical purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows: —

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book and shall not be detached therefrom, and shall be in form substantially as follows: —

Certificate.

I wish to purchase _____
and I certify that I am not a minor and that the same is to be used for
* Mechanical * Chemical * Medicinal purposes. (Draw a line through
the words which do not indicate the purpose of the purchase.)

Signature _____

Cancelled _____

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section

thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and in all other cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.

SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten of chapter two hundred and twenty shall not apply to such sentence.

[CHAPTER 213, REVISED LAWS.]

OF CRIMES AGAINST THE PUBLIC HEALTH.

SECTION 2. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, Mc-Munn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats," strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words Poison and Antidote, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before

delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken packages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines or trees, except that he shall record each sale and label each package sold, as above provided.

[CHAPTER 321, ACTS OF 1902.]

AN ACT TO AUTHORIZE THE BOARD OF REGISTRATION IN PHARMACY TO RECONSIDER ITS ACTION IN CASES WHERE IT MAY HAVE SUSPENDED OR REVOKED THE LICENSE OR CERTIFICATE OF REGISTRATION.

Be it enacted, etc., as follows:

SECTION 1. Section seventeen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "suspended," in the fifth line, the words: — or revoked, — and by adding at the end thereof the words: — The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require, — so as to read as follows:— *Section 17.* If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

SECTION 2. This act shall take effect upon its passage. [*Approved April 18, 1902.*]

[CHAPTER 505, ACTS OF 1902.]

AN ACT TO ESTABLISH THE SALARIES OF THE MEMBERS OF THE BOARD OF REGISTRATION IN MEDICINE, THE BOARD OF REGISTRATION IN PHARMACY AND THE BOARD OF REGISTRATION IN DENTISTRY.

Be it enacted, etc., as follows:

SECTION 1. The secretary of the board of registration in medicine shall receive a salary of twenty-five hundred dollars a year, and the other members of the said board shall each receive a salary of three hundred dollars a year.

SECTION 2. The secretary of the board of registration in pharmacy shall receive a salary of one thousand dollars a year, and the other members of said board shall each receive a salary of three hundred dollars a year, except that the chairman of said board shall receive a salary of five hundred dollars.

SECTION 3. The chairman and secretary of the board of registration in dentistry shall each receive a salary of four hundred dollars a year, and the other members of said board shall each receive a salary of two hundred dollars a year.

SECTION 4. Each member of the boards mentioned in sections one, two and three shall receive in addition to his salary his necessary travelling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board of registration in medicine, the board of registration in pharmacy and the board of registration in dentistry shall be paid out of the treasury of the Commonwealth.

SECTION 5. The fees received for examination and registration of applicants before the board of registration in medicine, before the board of registration in pharmacy, and before the board of registration in dentistry, shall be paid monthly by the secretaries of the respective boards into the treasury of the Commonwealth.

SECTION 6. Sections four, twelve and twenty-seven of chapter seventy-six of the Revised Laws are hereby repealed.

SECTION 7. This act shall take effect on the first day of July in the year nineteen hundred and two. [*Approved June 23, 1902.*]

[CHAPTER 59, ACTS OF 1903.]

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary

revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and three, to wit:—

For the salaries of the members of the board of registration in pharmacy, twenty-four hundred dollars.

For travelling and other expenses of the members of said board, a sum not exceeding fourteen hundred and seventy-five dollars.

For the salary and expenses of the agent of said board, a sum not exceeding twenty-four hundred dollars.

For a stenographer, witness fees and incidental and contingent expenses of said board, the same to include printing the annual report, a sum not exceeding fourteen hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage. [*Approved February 13, 1903.*]

NINETEENTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION IN PHARMACY,

FOR THE

YEAR ENDING SEPTEMBER 30, 1904.



BOSTON :

WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.

1905.

C.

APPROVED BY
THE STATE BOARD OF PUBLICATION.

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NAMES OF BOARD AND OFFICERS.

GEORGE M. HOYT, *President.*

CHARLES F. NIXON, *Secretary.*

HENRY ADAMS.

WILLIAM F. SAWYER.

FRED A. HUBBARD.

SIMON B. HARRIS, *Agent.*

Commonwealth of Massachusetts.

REPORT.

To His Excellency JOHN L. BATES, *Governor*.

SIR:— We have the honor to respectfully submit the following report concerning the condition of pharmacy in the State, and of our official acts and financial transactions, during the past year. We think this year has been one of average prosperity among the pharmacists of our State, and that as a rule the financial returns from the drug business in Massachusetts will compare favorably with other States in the Union. The pharmacists of our State are still working along the lines of co-operation and fraternal organization for the purpose of elevating the standard of our business both professionally and commercially. In many sections of our State success has crowned their efforts, while in some parts of the Commonwealth the results obtained have been discouraging, but as a whole the year has been marked by progress, and we think the general conditions are better than one year ago. Results can only be obtained by organization and persistent work, and the measure of success attained in the past should be an encouragement to greater effort in the future.

EXAMINATIONS.

During the past year our examinations have been conducted on the same plan as the previous year, and the tabulated results of the work will be found in the secretary's report. We think it is our duty to again call the attention of all young men who are thinking of adopting pharmacy as their calling to

the necessity of obtaining a thorough preliminary education before entering a drug store to learn the business. The tendency at the present time in all lines, professional and commercial, is toward a higher standard of education. One State (New York) has already adopted a law which provides as a prerequisite to examination before a board of pharmacy, that the candidate must be a graduate of a college of pharmacy. It is a duty which every pharmacist owes to himself, to the public and the young man to refuse to receive any one wishing to learn the business who is not a graduate of a high school. We would most earnestly recommend that every young man, if possible, become a graduate from a college of pharmacy before presenting himself before this Board for examination. We are living in an age when progress is inscribed on every mile-post in the world's great highway, and he who would win in the race must be an educated man.

The president of our Board had the honor of being appointed a delegate by Your Excellency to represent the Commonwealth of Massachusetts at the conference of American boards of pharmacy, held at Kansas City, September 5 to 10, under the auspices of the American Pharmaceutical Association. Twenty-seven States were represented at this meeting and much good work was accomplished, which we trust in time will bring about a much-needed change, namely, a uniform pharmacy law for all the States in the Union. The conditions are such at the present time that the certificate of one State is not recognized by another except in a very few cases, and a pharmacist must pass a new examination should he wish to locate in a State other than his own. This is an uncalled-for hardship, especially to registered drug clerks. There should be a uniform standard of examinations, and a certificate of registration should be valid in all States of the Union. At the meeting in Kansas City a permanent organization was formed, to be known as the National Association of Boards of Pharmacy, to meet yearly in conjunction with the American Pharmaceutical Association, the purpose of this association being to provide for interstate reciprocity in pharmaceutical licensure, based upon a more uniform standard of pharmaceutical education and legislation.

ENFORCEMENT OF THE PHARMACY LAW.

The statutes provide that as a prerequisite to obtaining a sixth-class license the applicant must obtain from our Board a certificate of fitness, stating that in our opinion he is a fit person to have the same, and that the public good will be promoted by granting such a license; and in connection with the granting of these certificates an unusual amount of work has devolved on our Board this year. In consequence of investigations made by the police authorities in some of the cities and towns of this State, a large amount of evidence was turned over to us, showing beyond a doubt that some druggists, under the guise of a sixth-class license, which gives them the privilege of selling liquor for medicinal, mechanical and chemical purposes only, had been doing a liquor traffic which would place them in the class of liquor dealers rather than pharmacists, and in all such cases we have refused to grant a new certificate. The pharmacists of this State should understand that a sixth-class license does not give them the right to sell all kinds of liquor at all times, in large or small quantities, to any person who may wish to purchase the same, even though they may certify in writing that they wish it for medicinal, mechanical or chemical purposes. A pharmacist has no right to sell to a person he has good reason to believe will use it for a beverage, and when his liquor sales are greater than his drug business he cannot possibly plead as an excuse that he sold only for medicinal purposes. The greatest foe the legitimate, law-abiding pharmacist of to-day has to meet is the man who, under the disguise of a druggist, runs a liquor store. Without any regard for the ethics of our profession he is usually a trade demoralizer, and the honest pharmacist has to meet his unfair competition. He defrauds the State by doing a first-class liquor business under a sixth-class license. A drug store that cannot live without a liquor license has no excuse for being, and should be abolished. In no State of our Union is the pharmacist granted so great a privilege as the druggist of Massachusetts enjoys under the sixth-class license granted him by our laws. The Commonwealth says to him: "It is necessary there should be a place in every community where liquors can

be purchased for medicinal use, and, relying on your character as a man and your standing as a pharmacist, we grant you this privilege to be used for the good of the public." A large majority of the pharmacists of our State are striving to do an honest and legitimate business, and they should insist that the laws regulating the sixth-class license be lived up to.

When the State created the Board of Registration in Pharmacy, it also enacted certain laws for the purpose of regulating the practice of pharmacy, and it is the business of our Board to see that these laws are enforced, and we should be false to our trust if we did not assume the responsibility of seeing that they are obeyed. It is for the best interest of the public and the legitimate pharmacists that the laws should be respected, and the only reply we have to make to those persons who, during the past year, have criticised our official actions and have sought to prevent our doing our duty, is that it is the purpose of this Board to continue as we have done in the past, to enforce the laws under our jurisdiction without fear, prejudice or partiality, and we think in pursuing this course we shall have the sympathy and support of a large proportion of our brother pharmacists in this Commonwealth.

In January of this year a circular letter was sent to every drug store in the State calling attention to violations of the pharmacy law in leaving stores in charge of unregistered men. We recognize that in many of the smaller stores, that are owned and managed in person by the proprietor, who is a registered pharmacist, the amount of business does not admit of hiring a registered clerk at all times of the year; but when the proprietor is away for days and weeks at a time, transacting other business, or on a vacation, such a condition is an unqualified violation of the law and should not be permitted. When such cases have been brought to our attention, we have, through our agent, investigated them and reported the facts to the proper prosecuting officer. Our agent has, in the discharge of his duties, visited all parts of the State, and every complaint that has come to our office has been investigated.

Many requests having been made to our Board to publish, as a part of our annual report, a list of the registered pharmacists engaged in business in this State, we decided to do so

this year, and had a complete list prepared, but the State Board of Publication refused to allow the same to be printed, on the ground that such a list was uncalled-for and an unnecessary expense to the State.

Respectfully submitted,

GEO. M. HOYT, *President.*

C. F. NIXON, *Secretary.*

HENRY ADAMS.

WM. F. SAWYER.

FRED A. HUBBARD.

BOSTON, MASS., Oct. 1, 1904.

It is with sorrow and regret that we part with the services of our colleague, Prof. Charles F. Nixon of Leominster, whose term of office expires October 1 of this year. In this instance, at least, the law which forbids a re-appointment on our Board will work a distinct injury to the cause of true pharmacy in our State, for it will be hardly possible to find a man so eminently fitted to perform the duties which he has so faithfully discharged during the years he has served on our Board. A man of scholarly attainments, a leader in his chosen profession, we have been accustomed to look to him for guidance and counsel. He has given himself generously to the service of the State, serving with earnestness in every duty to which he has been called. During his term of five years he has filled the office of both president and secretary. By reason of his retirement from this Board we part with a true and honored friend and the State loses the services of a faithful officer.

GEO. M. HOYT.

HENRY ADAMS.

FRED A. HUBBARD.

SECRETARY'S REPORT.

EXAMINATION ACCOUNT.

Meetings for examinations have been held on dates and with results as follows :—

1903-1904.	Days.	Examined.	Registered.	Rejected.	1903-1904.	Days.	Examined.	Registered.	Rejected.
October 6, .	1	7	2	5	March 22, .	1	9	2	7
October 13, .	1	9	5	4	March 29, .	1	11	3	8
October 20, .	1	10	1	9	April 5, .	1	10	4	6
October 27, .	1	7	5	2	April 12, .	1	6	—	6
November 10, .	1	10	4	6	April 26, .	1	9	3	6
November 17, .	1	9	3	6	May 3, .	1	8	4	4
November 24, .	1	10	3	7	May 10, .	1	9	1	8
December 1, .	1	10	6	4	May 17, .	1	9	3	6
December 8, .	1	9	3	6	May 24, .	1	11	7	4
December 15, .	1	9	6	3	May 31, .	1	10	3	7
December 29, .	1	8	2	6	June 1, .	1	12	—	12
January 5, .	1	10	3	7	June 7, .	1	12	5	7
January 12, .	1	10	2	8	June 8, .	1	12	4	8
January 19, .	1	9	2	7	June 14, .	1	12	3	9
January 26, .	1	10	5	5	June 15, .	1	12	4	8
February 2, .	1	10	3	7	June 24, .	1	12	2	10
February 9, .	1	7	2	5	June 28, .	1	10	2	8
February 16, .	1	8	5	3	September 20, .	1	9	3	6
February 23, .	1	12	4	8	September 27, .	1	11	5	6
March 1, .	1	11	4	7	Totals, .	41	397	132	265
March 8, .	1	7	2	5					
March 15, .	1	11	2	9					

Of the 132 certificates granted this year : —

22 passed on first examination.	3 passed on eighth examination.
40 " second "	1 " ninth "
21 " third "	5 " tenth "
12 " fourth "	1 " twelfth "
14 " fifth "	1 " thirteenth "
5 " sixth "	1 " fourteenth "
5 " seventh "	1 " fifteenth "

FINANCIAL STATEMENT FROM OCT. 1, 1903, TO OCT. 1, 1904.

Examinations.

Fees received for the year ending Sept. 30, 1904 : —

For examinations, 257 at \$3,	\$771 00
For examinations, 141 at \$5,	705 00
For duplicate certificates, 5 at \$1,	5 00
	<hr/>
	\$1,481 00
Paid State Treasurer,	\$1,481 00

Certificates of Fitness.

Amount received from Oct. 1, 1903, to March 1, 1904, for certificates of fitness to expire April 30, 1904 (\$1 each), . . .	\$62 00
Cash paid State Treasurer, certificates having been granted,	\$47 00
Fees returned, applications having been rejected or withdrawn,	13 00
Amount transferred to new account, applications continued for action by the Board,	2 00
Amount received from March 1, 1904, to Oct. 1, 1904, for certificates of fitness to expire April 30, 1905 (\$1 each), . . .	\$1,278 00
Cash paid to State Treasurer, certificates having been granted,	\$1,161 00
Fees returned, applications having been rejected or withdrawn,	115 00
Amount transferred to new account, applications continued for action by the Board,	2 00

Annual Appropriation for the Board for Year ending Dec. 31, 1904.

Salaries of members,	\$2,400 00
Expenses of members,	1,475 00
Agent, salary and expenses,	2,400 00
Stenographer, witness fees, incidental and contingent expenses, including printing of annual report,	1,500 00
	<hr/>
	\$7,775 00

NOTE.—The financial year of the State ends December 31, while the financial year of the Board ends September 30.

Expenditures of the Board for Year ending Sept. 30, 1904.

	Salary.	Expense.	Total.
George M. Hoyt,	\$500 00	\$307 80	\$807 80*
Charles F. Nixon,	1,000 00	485 52	1,485 52
Henry Adams,	300 00	462 34	762 34
William F. Sawyer,	300 00	51 85	351 85
Fred A. Hubbard,	300 00	80 57	380 57
Simon B. Harris, agent,	1,500 00	693 21	2,193 21
Bessie B. Burroughs, stenographer,	720 00	—	720 00

\$4,620 00	\$2,081 29	\$6,701 29
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Wright & Potter Printing Company,	\$272 65
The Bradstreet Company,	50 00
Gilman Brothers,	55 61
Press Clipping Bureau,	25 60
The E. L. Patch Company,	24 79
Samuel Ward Company,	20 76
Henry W. Stone,	20 70
Bertha Conley,	18 34
Whitall Tatum Company,	15 25
New England Telephone and Telegraph Company,	14 55
J. L. Hammett Company,	10 00
Remington Typewriter Company,	9 80
Neostyle Company,	7 20
William H. Bradford,	7 20
Sampson Murdock & Company,	6 50
Pocket Manual Company,	1 00
J. L. Morse,	1 95
Belknap & Co.,	1 75
Dennison Manufacturing Company,	1 60
Paid for witness fees,	69 75
Paid for laundry for examination department,	7 38
Paid for postal supplies,	4 32

646 70

\$7,347 99

* Expenses, \$102.10, as delegate to the Conference of American Boards of Pharmacy at Kansas City, Mo.

The following registered pharmacists have died during the past year : —

Ames, John N.,	Chelsea.	Marston, Arthur,	Woburn.
Brackett, Charles L.,	Boston.	Martel, Philius J.,	Fall River.
Bugby, J. L.,	Springfield.	Morgan, Richard E.,	Boston.
Carter, Miles O.,	Lowell.	Nowell, William F.,	Boston.
Emery, Joseph H.,	Lynn.	Saunders, Daniel D.,	Gloucester.
Fisk, Stephen B.,	Upton.	Smith, Warren,	Chicopee.
Garcelon, Harvey S.,	Somerville.	Smith, Frank,	East Bridgewater.
Gates, Edward O.,	Springfield.	Sproat, Clinton,	Taunton.
Goodnow, Elbridge G.,	Stoneham.	Stover, Joseph W.,	Winthrop.
Hollister, William T.,	Westfield.	Vaillancourt, A. F.,	Canada.
Hull, Frederick A.,	Pittsfield.	Whitney, Henry M.,	North Andover.
Hyland, James F.,	Fall River.	Willard, William H.,	Worcester.
Lewis, Edgar,	Boston.	Wood, Everett E.,	Millbury.

SUMMARY FOR THE YEAR ENDING SEPT. 30, 1904.

Number of meetings held for hearings and miscellaneous business,	22
Number of hearings on applications for certificates of fitness,	149
Number of hearings on violations of the pharmacy law,	18
Number of hearings on applications for reinstatement,	6
Number of hearings on applications for duplicate certificates,	1
Number of certificates suspended for four years,	1
Number of certificates suspended for three years,	2
Number of certificates suspended for two years,	6
Number of certificates suspended for one year,	1
Number of certificates suspended for six months,	2
Number of certificates suspended for three months,	1
Number of certificates suspended for two months,	1
Number of cases continued for sentence,	2
Number of pharmacists reinstated,	3
Number of drug stores doing business in the State,	1,522
Number of drug stores closed during the year,	20
Number of new stores opened during the year,	12
Number of stores found owned by unregistered proprietors,	15
Number of complaints made to the Board investigated,	130
Number of complaints reported for prosecution,	50
Number convicted,	40
Number of cases continued for trial,	8
Number found not guilty,	2
Number imprisoned,	1
Amount of fines imposed,	\$2,600
Number of formal complaints made to the Board,	26

C. F. NIXON,

Secretary.

L A W S

RELATING TO

T H E P R A C T I C E O F P H A R M A C Y

I N

M A S S A C H U S E T T S .

1904.

LAWS RELATING TO PHARMACY.

[CHAPTER 76, REVISED LAWS.]

REGISTRATION OF PHARMACISTS.

SECTION 10. There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in September be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of October following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years.

SECTION 11. Said board shall meet on the first Tuesday of October in each year at such time and place as it may determine, and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver-general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October, and additional meetings at such times and places as it shall determine.

SECTION 12.* Each member of the board shall receive five dollars for every day actually spent in the performance of his duties and the amount actually paid by him, not exceeding three cents a mile each way, for necessary travelling expenses in attending the meetings of the board. The bills for such compensation and his incidental and

* See act to establish salaries of members, on page 28.

travelling expenses shall be approved by the board and paid by the commonwealth. So much of the receipts from examinations as may be necessary for the compensation and expenses of the board may, in addition to any amount authorized by the general court, be used for such purpose.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

SECTION 14. A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 16. The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, the enforcement of which is under the supervision of the board of registration in pharmacy, and especially of the laws relating to the sale of intoxicating liquors; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board

shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

SECTION 17. If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended for a cause punishable by law until after his conviction by a court of competent jurisdiction.

SECTION 18. Whoever, not being registered as aforesaid, retails, compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

SECTION 19. The board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

SECTION 20. The board of registration in pharmacy may annually expend not more than two thousand dollars in the performance of its official duties.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel, shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

SECTION 23. The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture

or sale of patent and proprietary medicines ; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others ; nor shall any unregistered member of a copartnership be liable to the penalties hereof if he retails, compounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist.

[CHAPTER 100, REVISED LAWS.]

LAWS AND CONDITIONS RELATIVE TO DRUGGISTS' LIQUOR LICENSE.

SECTION 16. The licensing board may at any time refuse to issue a license to a person whom it considers unfit to receive the same ; but the provisions of this chapter shall not be so construed as to compel said licensing board to grant licenses.

SECTION 17. Each license shall be expressed, to be subject to the following conditions : —

First, That the provisions in regard to the nature of the license, and the building in which the business may be carried on under it, shall be strictly adhered to.

Second,* That spirituous or intoxicating liquors shall not be sold between the hours of eleven at night and six in the morning or on the Lord's day ; but if the licensee is also licensed as an innholder he may, between the hours of six in the morning and eleven at night on the Lord's day, supply such liquors to guests who have resorted to his inn for food or lodging.

Third, That spirituous or intoxicating liquor shall not be sold, exchanged or delivered, or exposed, offered or kept for sale, exchange or delivery, upon the licensed premises, unless it is of good standard quality and is free from any adulteration prohibited in the Pharmacopoeia of the United States or by the laws relative to adulteration of drugs and food, for either a food or a drug. If it is marked, labelled or represented as being the product of any foreign country, it shall also be of the standard quality required for its legal sale for domestic use in the country of its reputed production. All such liquors which are sold, exchanged or delivered, or which are exposed or kept for sale, exchange or delivery, under a license of the sixth class, shall be of the quality required for their sale as drugs under the provisions of the laws relative to the adulteration of drugs and food.

* See section 25.

Fourth, That liquor shall not be sold or delivered on the licensed premises to a person who is known to be a drunkard, to an intoxicated person, or to a person who is known to have been intoxicated within the six months last preceding, or to a minor, either for his own use, the use of his parents or of any other person, or, unless upon the prescription of a duly registered physician, to a person known to have been supported in whole or in part by public charity at any time during the twelve months last preceding the date of the license.

Fifth, That there shall be no disorder, indecency, prostitution, lewdness or illegal gaming on the licensed premises or on any premises connected therewith by an interior communication.

Sixth, That the license, or a copy thereof certified by the recording officer of the licensing board or by the clerk of the city or town by which it is issued, shall be displayed on the premises, in a conspicuous position, where it can easily be read.

Seventh, That the license shall be subject to forfeiture, as herein provided, for breach of any of its conditions; and that, if the licensee is convicted of a violation of any of such conditions, his license shall thereupon become void.

Each license of the first five classes shall be subject to the further condition that the licensee shall not sell, give away or deliver on the licensed premises any intoxicating liquors on a legal holiday as defined in section five of chapter eight or on any day on which a national, state, city or annual town election is held in the city or town in which the licensed premises are situated, except the day of an election in a city if such election is not required to be held in the ward in which the licensed premises are situated; but this condition shall not apply to a wholesale druggist who, on the day of an election as aforesaid, sells, gives away or delivers intoxicating liquors on the licensed premises, nor to an innkeeper who sells, gives away or delivers in his inn any intoxicating liquor to a guest who has resorted to his inn for food or lodging; but an innkeeper shall not upon such holiday sell, give away or deliver intoxicating liquor in his inn under a fourth or fifth class license.

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SECTION 21. Druggists and apothecaries may sell pure alcohol for medicinal, mechanical or chemical purposes; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22. No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor

and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate of fitness prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store.

SECTION 23. The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than one dollar, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. If complaint is made, it shall state in writing the reason why a certificate should be withheld.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business in person and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, widow, executor or administrator under another registered pharmacist.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or chemical purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by

street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows : —

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book and shall not be detached therefrom, and shall be in form substantially as follows : —

Certificate.

I wish to purchase _____
and I certify that I am not a minor and that the same is to be used for
* Mechanical * Chemical * Medicinal purposes. [* Draw a line through
the words which do not indicate the purpose of the purchase.]

Signature_____

Cancelled_____

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and in all other cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.

SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten of chapter two hundred and twenty shall not apply to such sentence.

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SECTION 44. Licensing boards may transfer licenses from one location to another within the city or town in which such licenses are in force; but such transfer shall be granted only to the original licensee, and like notice shall be given, the same provisions shall apply, and other proceedings shall be the same as are required upon the granting of licenses, except that no new license fee shall be required.

[CHAPTER 213, REVISED LAWS.]

OF CRIMES AGAINST THE PUBLIC HEALTH.

SECTION 2. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats," strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words *Poison* and *Antidote*, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken packages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines

or trees, except that he shall record each sale and label each package sold, as above provided.

SECTION 3. Whoever sells a cigarette to a person under eighteen years of age, or whoever sells snuff or tobacco in any of its forms to a person under sixteen years of age, or, not being his parent or guardian, gives a cigarette to a person under eighteen years of age, or gives snuff or tobacco in any of its forms to a person under sixteen years of age, shall be punished by a fine of not more than fifty dollars.

SECTION 4. Whoever sells to a person under sixteen years of age any candy or other article enclosing liquid or syrup containing more than one per cent of alcohol shall be punished by a fine of not less than fifty nor more than one hundred dollars.

[CHAPTER 321, ACTS OF 1902.]

AN ACT TO AUTHORIZE THE BOARD OF REGISTRATION IN PHARMACY TO RECONSIDER ITS ACTION IN CASES WHERE IT MAY HAVE SUSPENDED OR REVOKED THE LICENSE OR CERTIFICATE OF REGISTRATION.

Be it enacted, etc., as follows:

SECTION 1. Section seventeen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "suspended," in the fifth line, the words: — or revoked, — and by adding at the end thereof the words: — The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require, — so as to read as follows: — *Section 17.* If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

SECTION 2. This act shall take effect upon its passage. [*Approved April 18, 1902.*]

[CHAPTER 505, ACTS OF 1902.]

AN ACT TO ESTABLISH THE SALARIES OF THE MEMBERS OF THE BOARD OF REGISTRATION IN MEDICINE, THE BOARD OF REGISTRATION IN PHARMACY AND THE BOARD OF REGISTRATION IN DENTISTRY.

Be it enacted, etc., as follows:

SECTION 1. The secretary of the board of registration in medicine shall receive a salary of twenty-five hundred dollars a year, and the other members of the said board shall each receive a salary of three hundred dollars a year.

SECTION 2. The secretary of the board of registration in pharmacy shall receive a salary of one thousand dollars a year, and the other members of said board shall each receive a salary of three hundred dollars a year, except that the chairman of said board shall receive a salary of five hundred dollars.

SECTION 3. The chairman and secretary of the board of registration in dentistry shall each receive a salary of four hundred dollars a year, and the other members of said board shall each receive a salary of two hundred dollars a year.

SECTION 4. Each member of the boards mentioned in sections one, two and three shall receive in addition to his salary his necessary travelling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board of registration in medicine, the board of registration in pharmacy and the board of registration in dentistry shall be paid out of the treasury of the Commonwealth.

SECTION 5. The fees received for examination and registration of applicants before the board of registration in medicine, before the board of registration in pharmacy, and before the board of registration in dentistry, shall be paid monthly by the secretaries of the respective boards into the treasury of the Commonwealth.

SECTION 6. Sections four, twelve and twenty-seven of chapter seventy-six of the Revised Laws are hereby repealed.

SECTION 7. This act shall take effect on the first day of July in the year nineteen hundred and two. [*Approved June 23, 1902.*]

[CHAPTER 49, ACTS OF 1904.]

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION
IN PHARMACY.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the board of registration in pharmacy, for the year ending on the thirty-first day of December, nineteen hundred and four, to wit : —

For the salaries of the members of the board, twenty-four hundred dollars.

For travelling and other expenses of the members of the board, a sum not exceeding fourteen hundred and seventy-five dollars.

For the salary and expenses of the agent of the board, a sum not exceeding twenty-four hundred dollars.

For a stenographer, witness fees, and for incidental and contingent expenses of the board, including the printing of the annual report, a sum not exceeding fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage. [*Approved February 6, 1904.*]

TWENTIETH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION IN PHARMACY,

FOR THE

YEAR ENDING SEPTEMBER 30, 1905.



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NAMES OF BOARD AND OFFICERS.

HENRY ADAMS, *President.*

FRED A. HUBBARD, *Secretary.*

WILLIAM F. SAWYER.

LUCIEN A. LAMSON.

CHARLES F. RIPLEY.

JOSEPH E. BUSWELL, *Agent.*

Commonwealth of Massachusetts.

REPORT.

TO HIS EXCELLENCY WILLIAM L. DOUGLAS, *Governor.*

IN accordance with the laws of the Commonwealth, we have the honor to respectfully submit the following report concerning the condition of pharmacy in this State, and the official acts and financial transactions of the Board of Registration in Pharmacy.

There is evidence of improvement in the practice of pharmacy throughout the State, from a commercial point of view, and the same may be said from the professional standpoint. It is evident that the young men intending to make this their profession are giving more time to study, and the standard is gradually being raised. The increased attendance at the College of Pharmacy shows the desire for proper qualification, and the larger per cent. of successful candidates for certificates of registration is indicative of more careful study.

In 1904 at Kansas City the National Association of Boards of Pharmacy was formed, one purpose of which was the future reciprocity between States of certificates of registration. At the meeting at Atlantic City, in September, 1905, this Board was represented by the secretary, Mr. F. A. Hubbard, and Mr. William F. Sawyer. At present there are active and associate boards constituting the National Association, — the former of those States that have adopted the interchange of certificates of registration, and the latter those who have joined the association but not accepted the interchange of certificates. The laws of Massachusetts do not

permit registration except by examination; and we would recommend that they be so amended or changed that certificates from other States may be accepted as evidence of qualification to practise pharmacy in this Commonwealth, providing that in the examination of the applicant he received five per cent. more than the minimum per cent. required by the Massachusetts Board.

The law in relation to a registered pharmacist forming a copartnership with those who are not pharmacists, to carry on the drug business, is lax, and leads to the creation of drug stores to do a business not recognized by respectable druggists. We would therefore recommend that a registered pharmacist should have at least an unincumbered financial interest of five hundred dollars in a copartnership with persons not registered pharmacists, to carry on the business of pharmacy, and that the present laws relating to pharmacy be amended in this respect.

Complaints against druggists brought into court for alleged violation of the pharmacy laws are frequently made to the Board after the expiration of the limit of fifteen days from date of act complained of; and it is recommended that the portion of section 16, chapter 76, Revised Laws, beginning with line 12, be amended by striking out the words "within fifteen days after the date of the act complained of," and substituting the words "after conviction by a court of competent jurisdiction," so as to read, "Such complaint shall set out the offence alleged, and be made after conviction by a court of competent jurisdiction."

Under section 23, chapter 76, Revised Laws, we would recommend defining more closely what may be sold as "non-poisonous, domestic remedies," by grocers and others, as it is found in many cases the assortment carried by them would compare favorably with that of a well-equipped drug store, and it is difficult to draw the line of demarcation.

In many States the supervision of the poison law and the care for purity of drugs are in charge of the boards of pharmacy, while in this Commonwealth they rest with the Board of Health. It would seem eminently proper that they should come under the jurisdiction of the Board of Registration in

Pharmacy, and we recommend that they be transferred to this Board.

The salaries received by the Board of Registration do not, in some cases, amount to as much as the members have to pay for required additional clerical help in conducting their individual business; and it is deemed proper that they should receive just compensation for services rendered.

Respectfully submitted,

HENRY ADAMS, *President*.
FRED A. HUBBARD, *Secretary*.
WM. F. SAWYER.
L. A. LAMSON.
CHARLES F. RIPLEY.

BOSTON, MASS., Sept. 30, 1905.

The resignation from the Board of President George M. Hoyt of East Weymouth, the latter part of February, was to be regretted, as the service rendered by him was valuable and always for the best interest of pharmacy. In the selection of Mr. Charles F. Ripley of Taunton to fill the vacancy a most admirable choice was made, for he quickly made himself familiar with his duties, and proved himself a valuable assistant in the work of the Board.

HENRY ADAMS.
FRED A. HUBBARD.
WM. F. SAWYER.
L. A. LAMSON.

SECRETARY'S REPORT.

EXAMINATION ACCOUNT.

Meetings for examinations have been held on dates and with results as follows:—

1904-1905.	Days.	Examined.	Registered.	Rejected.	1904-1905.	Days.	Examined.	Registered.	Rejected.
October 4, .	1	7	1	6	March 28, .	1	11	4	7
October 11, .	1	10	4	6	April 4, . .	1	12	5	7
October 18, .	1	9	3	6	April 11, . .	1	11	7	4
October 25, .	1	9	3	6	April 18, . .	1	12	—	12
November 1, .	1	9	1	8	April 25, . .	1	11	4	7
November 15, .	1	11	2	9	May 2, . . .	1	7	3	4
November 22, .	1	9	5	4	May 9, . . .	1	10	1	9
November 29, .	1	8	2	6	May 16, . . .	1	9	1	8
December 13, .	1	9	3	6	May 23, . . .	1	10	1	9
December 27, .	1	10	3	7	May 29, . . .	1	11	4	7
January 3, . .	1	9	2	7	June 6, . . .	1	12	4	8
January 10, .	1	11	1	10	June 13, . . .	1	12	4	8
January 17, .	1	8	6	2	June 19, . . .	1	12	4	8
January 24, .	1	4	3	1	June 26, . . .	1	10	2	8
January 31, .	1	7	2	5	June 27, . . .	1	13	2	11
February 7, .	1	9	2	7	June 30, . . .	1	11	4	7
February 14, .	1	9	5	4	September 26, .	1	10	5	5
February 21, .	1	12	5	7	Totals, . . .	37	368	121	247
February 28, .	1	13	7	6					
March 14, . .	1	11	6	5					

Of the 121 certificates granted this year: —

33	passed on first examination.	10	passed on sixth examination.
25	“ second “	4	“ seventh “
24	“ third “	1	“ fifteenth “
17	“ fourth “	1	“ twenty-second “
6	“ fifth “		

Fees for examination received for the year ending Sept. 30, 1905: —

For first examinations, 167 at \$5, . . .	\$835 00	
For re-examinations, 263 at \$3, . . .	789 00	
For duplicate certificates, 5 at \$1, . . .	5 00	
	<hr/>	\$1,629 00
Fees returned to applicants, upon their request		
not to be examined, 2 at \$5, . . .	\$10 00	
Cash paid to State Treasurer, . . .	1,619 00	
	<hr/>	\$1,629 00

Fees received for certificates of fitness from Oct. 1, 1904, to March 1, 1905: —

For certificates of fitness to expire April 30, 1905, 73		
at \$1,		\$73 00
Cash paid to State Treasurer, certificates		
having been granted,	\$45 00	
Fees returned, applications having been re-		
jected or withdrawn,	26 00	
Fees transferred to new account, applications		
continued for action by the Board, . . .	2 00	
	<hr/>	\$73 00

Fees received for certificates of fitness from March 1, 1905, to Oct. 1, 1905: —

For certificates of fitness to expire April 30, 1906,		
1,289 at \$1,		\$1,289 00
Cash paid to State Treasurer, certificates		
having been granted,	\$1,179 00	
Fees returned, applications having been re-		
jected or withdrawn,	107 00	
Fees transferred to new account, applications		
continued for action by the Board, . . .	3 00	
	<hr/>	\$1,289 00

Annual appropriation of the Board, for the year ending Dec. 31, 1906: —

Salaries of members,	\$2,400 00
Expenses of members,	1,475 00
Agent, salary and expense,	2,400 00
Stenographer, witness fees, incidental and contingent	
expenses, including printing of annual report, . . .	1,500 00
	<hr/>
	\$7,775 00

NOTE. — The financial year of the State ends December 31, while the financial year of the Board ends September 30.

Salaries of members:—

George M. Hoyt, president five months, . . .	\$208 33
Henry Adams, five months as member and seven months as president of Board, . . .	416 67
Fred A. Hubbard, secretary,	1,000 00
William F. Sawyer,	300 00
L. A. Lamson, appointed as a member of the Board the latter part of October, 1904, . . .	280 64
Charles F. Ripley, member of the Board five and two-thirds months,	141 67

\$2,347 31

Expenses of members:—

George M. Hoyt,	\$78 45
Henry Adams,	414 70
Fred A. Hubbard,	252 32
William F. Sawyer,	110 49
L. A. Lamson,	173 51
Charles F. Ripley,	59 55

1,089 02

Agent, salary and expenses:—

Simon B. Harris, salary four months and work per diem two months,	\$760 00
Expenses,	368 43
Joseph E. Buswell, salary six months,	750 00
Expenses,	284 35

2,162 78

Stenographer, witness fees, incidental and contingent expenses:—

Bessie B. Burroughs, salary and over-time services,	\$741 50
Witness fees,	103 75
Wright & Potter,	157 35
Laundry for examination department,	8 49
G. M. Hoyt, telephone expense,	1 10
For postal supplies,	3 39
Press Clipping Bureau,	25 70
Gilman Brothers,	68 13
New England Telephone and Telegraph Com- pany,	17 19
Pocket Manual Company,	1 00
Whitall Tatum Company,	3 69
Dennison Manufacturing Company,	2 55
J. L. Hammett Company,	12 00
Samuel Ward Company,	48 27
Remington Typewriter Company,	68 95

Amounts carried forward, \$1,263 06

\$5,599 11

Amounts brought forward, \$1,263 06 \$5,599 11

Stenographer, witness fees, incidental and contingent expenses—*Concluded.*

Henry W. Stone,	18 75	
Old Corner Book Store,	7 25	
J. L. Fairbanks Company,	14 20	
William H. Bradford,	1 45	
Houghton & Dutton,	1 25	
National Association of State Boards of Pharmacy,	10 00	
Clerk of courts,	50	
Sampson, Murdock Company,	6 50	
Neostyle Company,	1 30	
Pocket Manual Company,	1 00	
		1,325 26
		<hr/> \$6,924 37

The following registered pharmacists have died during the past year:—

Adams, Amasa P.,	Thorndike.	Menard, Anthyme S., . .	Holyoke.
Arsenault, Dennis A., . .	Southbridge.	Murphy, Cornelius, . . .	Brockton.
Baker, Albert M.,	Boston.	Poor, Edwin,	Haverhill.
Baker, Lewis H.,	Provincetown.	Roche, Edson M.,	Deerfield.
Barker, Anson J.,	Taunton.	Spiller, Fred M.,	Abington.
Crane, Charles H.,	Somerville.	Strong, William H., . . .	Fall River.
Davis, William H.,	Fall River.	Sullivan, James J., . . .	Springfield.
Douglass, Frank M., . . .	New Bedford.	Trickey, Daniel W., . . .	Boston.
Henotte, Constant,	Lowell.	Upton, Albert A.,	Worcester.
Kellogg, George F.,	Brookline.	Von der Heyde, Otto, . .	Boston.
Kennedy, John J.,	Framingham.	Webster, George C., . . .	Boston.
Lakin, John H.,	Boston.	Wells, Charles W.,	Lowell.
Losee, James H.,	Springfield.	Wilson, John B.,	Mansfield.
Manning, Francis T., . . .	Lynn.		

SUMMARY.

Number of meetings held for hearings and miscellaneous business,	17
Number of hearings on applications for certificates of fitness, .	196
Number of hearings on violations of the pharmacy law, . .	12
Number of hearings on applications for reinstatement, . .	6
Number of hearings on applications for duplicate certificates, .	2
Number of certificates suspended for five years,	2
Number of certificates suspended for two years,	5
Number of certificates suspended for one year,	1
Number of certificates suspended for six months,	2
Number of cases continued for sentence,	2
Number of pharmacists reinstated,	2
Number of cases reopened and sentences changed,	2
Number of drug stores doing business in the State, . . .	1,515
Number of drug stores closed during the year,	27
Number of new stores opened during the year,	18
Number of stores found owned by unregistered proprietors, .	10
Number of complaints made to the Board investigated, . .	136
Number of complaints reported for prosecution,	29
Number of druggists convicted in court,	24
Number of cases continued for trial,	12
Number of cases placed on file,	1
Number found not guilty,	1
Number imprisoned,	1
Amount of fines imposed,	\$675
Number of formal complaints made to the Board by its agent, .	21

FRED A. HUBBARD,

Secretary.

L A W S

RELATING TO

THE PRACTICE OF PHARMACY

IN

MASSACHUSETTS.

1905.

LAWS RELATING TO PHARMACY.

CHAPTER 76, REVISED LAWS.

REGISTRATION OF PHARMACISTS.

SECTION 10. There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in September be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of October following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years.

SECTION 11. Said board shall meet on the first Tuesday of October in each year at such time and place as it may determine, and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October and additional meetings at such times and places as it shall determine.

SECTION 12. Each member of the board shall receive five dollars for every day actually spent in the performance of his duties and the amount actually paid by him, not exceeding three cents a mile each way, for necessary travelling expenses in attending the meetings of the board. The bills for such compensation and his incidental and travelling expenses shall be approved by the board and paid by the commonwealth. So much of the receipts from examinations as may be necessary for the com-

pensation and expenses of the board may, in addition to any amount authorized by the general court, be used for such purpose.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

SECTION 14. A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 16. The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, the enforcement of which is under the supervision of the board of registration in pharmacy, and especially of the laws relating to the sale of intoxicating liquor; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

SECTION 17. If the full board sitting at such hearing finds

the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended for a cause punishable by law until after his conviction by a court of competent jurisdiction.

SECTION 18. Whoever, not being registered as aforesaid, retails, compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

SECTION 19. The board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

SECTION 20. The board of registration in pharmacy may annually expend not more than two thousand dollars in the performance of its official duties.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel, shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

SECTION 23. The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients: nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any unregistered member of a copartnership be liable to the penalties hereof if he retails, com-

pounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist.

CHAPTER 100, REVISED LAWS.

INTOXICATING LIQUORS, — DRUGGISTS AND APOTHECARIES.

SECTION 21. Druggists and apothecaries may sell pure alcohol for medicinal, mechanical or chemical purposes; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22. No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate of fitness prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store.

SECTION 23. The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than one dollar, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. If complaint is made, it shall state in writing the reason why a certificate should be withheld.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business

in person and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, widow, executor or administrator under another registered pharmacist.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or chemical purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows:—

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book, and shall not be detached therefrom, and shall be in form substantially as follows:—

Certificate.

I wish to purchase_____

and I certify that I am not a minor and that the same is to be used for
* Mechanical * Chemical * Medicinal purposes. [* Draw a line through
the words which do not indicate the purpose of the purchase.]

Signature_____

Cancelled_____

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and in all other

cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.

SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten of chapter two hundred and twenty shall not apply to such sentence.

CHAPTER 100, REVISED LAWS.

GRANTING OF LICENSES BY LOCAL BOARD.

SECTION 16. The licensing board may at any time refuse to issue a license to a person whom it considers unfit to receive the same; but the provisions of this chapter shall not be so construed as to compel said licensing board to grant licenses.

CHAPTER 100, REVISED LAWS.

CONDITIONS OF LICENSES.

SECTION 17. Each license shall be expressed, to be subject to the following conditions:—

First, That the provisions in regard to the nature of the license, and the building in which the business may be carried on under it, shall be strictly adhered to.

Second, That spirituous or intoxicating liquor shall not be sold between the hours of eleven at night and six in the morning or on the Lord's day; but if the licensee is also licensed as an innholder he may, between the hours of six in the morning and eleven at night on the Lord's day, supply such liquors to guests who have resorted to his inn for food and lodging.

Third. That spirituous or intoxicating liquor shall not be sold, exchanged or delivered, or exposed, offered or kept for sale, exchange or delivery, upon the licensed premises, unless it is of

good standard quality and is free from any adulteration prohibited in the Pharmacopœia of the United States or by the laws relative to adulteration of drugs and food, for either a food or a drug. If it is marked, labelled or represented as being the product of any foreign country, it shall also be of the standard quality required for its legal sale for domestic use in the country of its reputed production. All such liquors which are sold, exchanged or delivered, or which are exposed or kept for sale, exchange or delivery, under a license of the sixth class, shall be of the quality required for their sale as drugs under the provisions of the laws relative to the adulteration of drugs and food.

Fourth, That liquor shall not be sold or delivered on the licensed premises to a person who is known to be a drunkard, to an intoxicated person, or to a person who is known to have been intoxicated within the six months last preceding, or to a minor, either for his own use, the use of his parents or of any other person, or, unless upon the prescription of a duly registered physician, to a person known to have been supported in whole or in part by public charity at any time during the twelve months last preceding the date of the license.

CHAPTER 100, REVISED LAWS.

FORFEITURE OF LICENSE.

SECTION 47. The licensing board, after notice to the licensee and reasonable opportunity for him to be heard by them or by a committee of the mayor and aldermen or selectmen, if the license was granted by them, may declare his license forfeited, upon satisfactory proof that he has violated or permitted a violation of any condition thereof. The pendency of proceedings before a court of justice shall not suspend or interfere with the power herein given to decree a forfeiture. If the license is declared to have been forfeited, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so forfeited, and if he is the owner of the premises described in such forfeited license, no license shall be issued to be exercised on said premises for the residue of the term thereof.

CHAPTER 100, REVISED LAWS.

TRANSFER OF LICENSES.

SECTION 44. Licensing boards may transfer licenses from one location to another within the city or town in which such licenses are in force; but such transfer shall be granted only to

the original licensee, and like notice shall be given, the same provisions shall apply, and other proceedings shall be the same as are required upon the granting of licenses, except that no new license fee shall be required.

CHAPTER 213, REVISED LAWS.

OF CRIMES AGAINST THE PUBLIC HEALTH.

SECTION 2. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words *Poison* and *Antidote*, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken packages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines or trees, except that he shall record each sale and label each package sold, as above provided.

CHAPTER 321, ACTS OF 1902.

AN ACT TO AUTHORIZE THE BOARD OF REGISTRATION IN PHARMACY TO RECONSIDER ITS ACTION IN CASES WHERE IT MAY HAVE SUSPENDED OR REVOKED THE LICENSE OR CERTIFICATE OF REGISTRATION.

Be it enacted, etc., as follows :

SECTION 1. Section seventeen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "suspended", in the fifth line, the words:— or revoked,— and by adding at the end thereof the words:— The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.— so as to read as follows:— *Section 17.* If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

SECTION 2. This act shall take effect upon its passage.

[*Approved April 18, 1902.*

CHAPTER 327, ACTS OF 1902.

AN ACT RELATIVE TO CONDUCTING THE BUSINESS OF A DECEASED PHARMACIST BY HIS WIDOW, EXECUTOR OR ADMINISTRATOR.

Be it enacted, etc., as follows :

SECTION 1. Section twenty-three of chapter seventy-six of the Revised Laws is hereby amended by adding at the end thereof the words:— who may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder,— so as to read as follows:— *Section 23.* The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred,

section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines: nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any unregistered member of a copartnership be liable to the penalties hereof if he retails, compounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist, who may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder.

SECTION 2. This act shall take effect upon its passage.

[Approved April 18, 1902.]

CHAPTER 505, ACTS OF 1902.

AN ACT TO ESTABLISH THE SALARIES OF THE MEMBERS OF THE BOARD OF REGISTRATION IN MEDICINE, THE BOARD OF REGISTRATION IN PHARMACY AND THE BOARD OF REGISTRATION IN DENTISTRY.

Be it enacted, etc., as follows:

SECTION 2. The secretary of the board of registration in pharmacy shall receive a salary of one thousand dollars a year, and the other members of said board shall each receive a salary of three hundred dollars a year, except that the chairman of said board shall receive a salary of five hundred dollars.

SECTION 4. Each member of the boards mentioned in sections one, two and three shall receive in addition to his salary his necessary travelling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board of registration in medicine, the board of registration in pharmacy and the board of registration in dentistry shall be paid out of the treasury of the Commonwealth.

SECTION 5. The fees received for examination and registration of applicants before the board of registration in medicine,

before the board of registration in pharmacy, and before the board of registration in dentistry, shall be paid monthly by the secretaries of the respective boards into the treasury of the Commonwealth.

SECTION 6. Sections four, twelve and twenty-seven of chapter seventy-six of the Revised Laws are hereby repealed.

SECTION 7. This act shall take effect on the first day of July in the year nineteen hundred and two.

[*Approved June 23, 1902.*

CHAPTER 50, ACTS OF 1905.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the board of registration in pharmacy, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit :—

For the salaries of the members of the board, twenty-four hundred dollars.

For travelling and other expenses of the board, a sum not exceeding fourteen hundred and seventy-five dollars.

For the salary and expenses of the agent of the board, a sum not exceeding twenty-four hundred dollars.

For a stenographer, for witness fees, and for other incidental and contingent expenses of the board, the same to include printing the annual report, a sum not exceeding fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

[*Approved February 6, 1905.*

CHAPTER 220, ACTS OF 1905.

AN ACT RELATIVE TO WOOD ALCOHOL.

Be it enacted, etc., as follows :

SECTION 1. Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers any wood alcohol, otherwise known as methyl alcohol, shall affix to the vessel containing the same and shall deliver therewith a label bearing the words "Wood Alcohol, Poison", in black letters of uncondensed Gothic type not less than one-

fourth of an inch in height. Whoever violates the provisions of this section shall pay a fine of not less than fifty dollars nor more than two hundred dollars.

SECTION 2. Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, shall be punished by a fine of not less than two hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

[Approved March 27, 1905.]

TWENTY-FIRST ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION IN PHARMACY,

FOR THE

YEAR ENDING SEPTEMBER 30, 1906



BOSTON :

WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
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1907.

C.

APPROVED BY
THE STATE BOARD OF PUBLICATION.

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NAMES OF BOARD AND OFFICERS.

HENRY ADAMS, *President.*

WM. F. SAWYER, *Secretary.*

FRED A. HUBBARD.

LUCIAN A. LAMSON.

CHARLES N. SWIFT.

JOSEPH E. BUSWELL, *Agent.*

Commonwealth of Massachusetts.

REPORT.

To His Excellency CURTIS GUILD, Jr., *Governor*.

In compliance with the laws of the Commonwealth, we have the honor to submit the following report.

The general condition of pharmacy in the Commonwealth will compare favorably with previous years. A canvass of the State shows that this has been a prosperous year with the pharmacist, with but a few exceptions due to local causes.

At the last session of the Legislature an act was passed giving registered pharmacists, in cities and towns where licenses for the sale of intoxicating liquors of the first five classes are not granted, the right to sell liquor upon the prescription of a registered physician practising in such city or town, he having been granted a certificate of fitness from this Board. These certificates were granted in 55 cities and towns, and reports from a majority show the exercise of this privilege has been generally satisfactory, meeting with the approval of the officials of these cities and towns.

At the annual meeting of the National Association of Boards of Pharmacy, held in Indianapolis, Ind., in September, this Board was represented by Charles N. Swift and Fred A. Hubbard. The following is a report of the delegates:—

MR. PRESIDENT:—Upon recommendation of the Massachusetts Board of Registration in Pharmacy, His Excellency the Governor appointed two delegates to the National Convention of Boards of Pharmacy, said convention to be held at Indian-

apolis, Ind., during the week beginning Sept. 4, 1906, at Claypool Hotel. Your delegates beg leave to submit the following report:—

Seven sessions were held, and nearly every State and Territory was represented by delegates. President J. A. Keith of South Dakota presided, and Dr. G. E. Diekman of New York was secretary *pro tem*.

The president of the association read an address, which was referred to a committee. The committee reported to the convention with recommendations, which were discussed and adopted. Nearly a whole session was consumed in this discussion, and a committee on resolutions was appointed to hasten the work; said committee rendered the following report, which was adopted: that a committee of five be elected from the floor every year, for the purpose of preparing examination questions for a guide to the boards of pharmacy throughout the country. The following were elected: G. C. Diekman, New York; W. R. Ogier, Ohio; G. F. Payne, Georgia; C. N. Swift, Massachusetts; and D. F. Jones, South Dakota.

The recommendations of the joint conference of pharmaceutical faculties and boards of pharmacy were presented and discussed in full, occupying two whole sessions; and the secretary of the convention was instructed to have printed in proper form the provisions as adopted, and send to the constituent boards of pharmacy when completed.

The election of officers for the ensuing year was as follows: president, F. C. Godbold, Louisiana; first vice-president, F. A. Hubbard, Massachusetts; second vice-president, Chas. B. Woodward, Indiana; third vice-president, Kittie W. Harbord, Oregon; secretary-treasurer, Geo. C. Diekman, New York; examination committee, John D. Muir, Wisconsin.

Very respectfully yours,

CHAS. N. SWIFT,
FRED. A. HUBBARD,
Delegates.

We would recommend slight changes in the pharmacy laws, namely, in section 16, chapter 76, we would recommend that the fifteen days' limit for making complaints be extended to "thirty days after final conviction in courts having competent jurisdiction."

We would also recommend that section 21, chapter 100, be amended so that only those druggists having a sixth-class license or a certificate of fitness should be allowed to sell

pure alcohol. We recommend this change because of the fact that the intent of the law allowing such sale to be made without a license is being violated, and unscrupulous persons have taken advantage of its provisions to establish drug stores only in name, disgracing an honorable profession, and becoming a nuisance to the community in which they are located.

The question papers, compiled for examinations during the past year, were formulated outside the regular meetings, and necessitated a great deal of extra time on the part of members of the Board. Although we have examined more candidates at each meeting, and have increased the desk room to its greatest capacity, we feel that more examinations could have been held to advantage during the year; but, owing to the extra expense incurred by members coming from a distance to the office, the Board was unable to hold these additional meetings. The Board is therefore obliged to ask for an increase of the appropriation for the members' expense account of \$250. Many of the hearings which are enumerated in the secretary's report have occupied two or three hours, and have been extended well into the evening, many witnesses and the defendants with their attorneys being present.

A detailed account of the work of the Board will be found in the secretary's report, appended hereto.

Respectfully submitted,

HENRY ADAMS, *President*.
WM. F. SAWYER, *Secretary*.
FRED A. HUBBARD.
L. A. LAMSON.
CHAS. N. SWIFT.

SEPT. 30, 1906.

Whereas, The retiring member of this Board, Dr. Henry Adams of Springfield, has served the State for five years with credit to himself and a benefit to the cause of pharmacy, we, the remaining members of the Board, desire to express in

this formal manner our appreciation of the valuable services of Dr. Adams, his consistent work and manly manner, showing himself as a man of worth and character.

Therefore be it resolved, That these resolutions be spread upon the records of this Board; also, that a copy of this resolution be sent to Dr. Adams.

WM. F. SAWYER.

FRED A. HUBBARD.

L. A. LAMSON.

CHAS. N. SWIFT.

SECRETARY'S REPORT.

EXAMINATIONS.

1905-1906.	Days.	Examined.	Passed.	Rejected.	1905-1906.	Days.	Examined.	Passed.	Rejected.
October 3, .	1	10	7	3	March 20, .	1	16	7	9
October 10, .	1	11	6	5	March 27, .	1	14	5	9
October 17, .	1	10	6	4	April 3, .	1	14	3	11
October 24, .	1	11	7	4	April 17, .	1	12	7	5
October 31, .	1	10	1	9	May 1, .	1	8	2	6
November 6, .	1	11	4	7	May 8, .	1	10	2	8
November 14, .	1	31	14	17	May 15, .	1	12	4	8
November 21, .	1	31	19	12	May 22, .	1	11	1	10
November 27, .	1	14	8	6	May 29, .	1	13	5	8
November 28, .	1	16	7	9	June 5, .	1	12	2	10
December 5, .	1	9	0	9	June 12, .	1	13	0	13
January 6, .	1	8	1	7	June 15, .	1	14	5	9
January 16, .	1	7	2	5	June 19, .	1	16	6	10
January 30, .	1	5	2	3	June 26, .	1	15	10	5
February 13, .	1	9	5	4	September 25, .	1	14	8	6
February 27, .	1	11	8	3					
March 6, .	1	12	2	10	Totals, .	32	410	166	244

Of the 166 certificates granted this year : —

52 passed on first examination.

39 " second "

29 " third "

18 " fourth "

13 " fifth "

8 passed on sixth examination.

5 " seventh "

1 " eighth "

1 " tenth "

Fees for examination received for the year ending Sept. 30, 1906:—

For first examination, 170 at \$5, . . .	\$850 00	
For re-examination, 229 at \$3, . . .	687 00	
For duplicate certificates, 4 at \$1, . . .	4 00	
For reciprocal exchange, 2 at \$5, . . .	10 00	
	<hr/>	\$1,551 00
Fees returned to applicants, upon their request		
not to be examined, 4 at \$5, . . .	\$20 00	
Cash paid to State Treasurer, . . .	1,531 00	
	<hr/>	\$1,551 00

APPLICATIONS FOR CERTIFICATES.

Applications received from Oct. 1, 1905, to March 1, 1906, to expire April 30, 1906,		73
Certificates granted for sixth-class licenses,	56	
Certificates refused for sixth-class licenses,	17	
Applications received from March 1, 1906, to Oct. 1, 1906, to expire April 30, 1907,		1,578
Certificates for sixth-class licenses granted,	1,221	
Certificates to sell on doctors' prescriptions granted,	252	
Certificates for sixth-class licenses refused,	74	
Certificates to sell on doctors' prescriptions refused,	15	
Applications pending action by the Board,	16	
Total number of applications for the year,		1,651
Total number of certificates granted,	1,529	
Total number of applications refused,	106	
Total number of applications pending,	16	
Total amount of fees received during the year,		\$1,651 00
Total amount paid to the State Treasurer,	\$1,529 00	
Total amount returned to rejected applicants,	106 00	
Cash on hand, applications pending action,	16 00	

NOTE. — The druggists in several cities, having been granted certificates for sixth-class licenses, and having been denied licenses by the local authorities, applied for certificates from this Board to sell on doctors' prescriptions.

CASH PAID INTO THE TREASURY.

Fees for examination,	\$1,531 00
Fees for for both classes of certificates of fitness,	1,529 00
Total amount paid to Treasurer,	<hr/> \$3,060 00

EXPENDITURES.

Salaries of members : —

Henry Adams, president,	\$500 00
William F. Sawyer, secretary,	1,000 00
Fred A. Hubbard,	300 00
L. A. Lamson,	300 00
Charles N. Swift,	300 00

 \$2,400 00

Expenses of members : —

Henry Adams, president,	\$523 96
William F. Sawyer, secretary,	263 00
Fred A. Hubbard,	166 82
L. A. Lamson,	352 21
Charles N. Swift,	311 30

 1,617 29

Agent, salary and expenses : —

Joseph E. Buswell, salary,	\$1,500 00
Expenses,	556 42

 2,056 42

Stenographer, witness fees, incidental and contingent expenses : —

Bessie B. Burroughs,	\$976 67
Wright & Potter Printing Company,	112 89
Postal supplies,	137 43
The E. L. Patch Company,	50 23
Gilman Brothers,	75 76
Whitall Tatum Company,	69 51
New England Telephone and Telegraph Company,	20 72
Press Clipping Bureau,	17 70
Old Corner Book Store,	14 86
J. L. Fairbanks & Co.,	13 35
Henry W. Stone,	25 95
Prof. E. H. LaPierre, Massachusetts College of Pharmacy,	26 24
Innes, Vahey & Mansfield,	25 00
Wm. H. Bradford,	13 00
National Association of Boards of Pharmacy,	10 00
Dennison Manufacturing Company,	5 30
Sampson & Murdock Company,	6 50
Helen Pierce,	3 50
Pocket Manual Company,	1 00
Wm. W. Bartlett,	1 00
E. H. Dorr & Co.,	50
Rotary Neostyle Company,	2 25

Amounts carried forward, \$1,609 36 \$6,073 71

Amounts brought forward, . . . \$1,609 36 \$6,073 71

Stenographer, witness fees, incidental and contingent expenses — *Concluded.*

Clerk of courts, Norfolk County, . . .	75	
J. L. Hammett Company, . . .	6 90	
Samuel Ward Company, . . .	1 80	
Witness fees, . . .	6 40	
	<hr/>	1,625 21
		<hr/>
		\$7,698 92

NOTE.—The financial year of the State ends in November, while that of the Board ends in October.

DEATHS.

Auger, Leonide A., . . . Fall River.	Jellison, James M., . . . Boston.
Beedle, Charles H., . . . Lawrence.	McGarr, William L., . . . Malden.
Carpenter, Charles B., . . . Spencer.	Orne, Joel S., . . . Cambridge.
Carpenter, Luther D., . . . Hudson.	Rice, J. Allen, . . . Milford.
Cherry, James B., . . . Boston.	Sherburne, John W., . . . Lowell.
Dickins, Charlotte L., . . . Newburyport.	Sullivan, James J., . . . Springfield.
Donahoe, Charles W., . . . Boston.	Titus, Walter D., . . . Cambridge.
Holland, Henry, . . . Westfield.	Ware, Frank H., . . . Springfield.
Hyden, Carl, . . . Pittsfield.	Wesley, Charles M., . . . Boston.
Jefts, Ira P., . . . Boston.	

SUMMARY.

Meetings:—

For examination, . . .	32
For hearings, business, etc., . . .	29
	<hr/>
Total number of meetings for the year, . . .	61

Hearings:—

On formal complaint, charge of aiding unregistered persons in conducting a pharmacy business, . . .	11
On formal complaint, charge of violation of the liquor law, . . .	10
On petitions for reinstatement as registered pharmacist after suspension by the Board, . . .	9
With reference to applications for certificates of fitness, . . .	170
	<hr/>
Total number of hearings for the year, . . .	200

Results of hearings on formal complaint:—

Number of certificates suspended for five years, . . .	1
Number of certificates suspended for three years, . . .	1
Number of certificates suspended for two years, . . .	1
Number of certificates suspended for one year, . . .	2
Number of certificates suspended for six months, . . .	4
Number of cases placed on file, . . .	10
Number of cases continued, . . .	2

Miscellaneous:—

Number of suspended pharmacists who were reinstated,	9
Number of persons against whom formal complaints are pending,	10
Amount of fines paid by druggists for violation of laws relat- ing to pharmacy,	\$1,900
Number imprisoned,	2
New drug stores opened during the year,	93
Number of drug stores closed through prosecution,	19
Number of drug stores closed by reason of death, failure, etc.,	26
Number of drug stores in the State at the present time,	1,563

WM. F. SAWYER,
Secretary.

L A W S

RELATING TO

T H E P R A C T I C E O F P H A R M A C Y

I N

M A S S A C H U S E T T S .

1906.

LAWS RELATING TO PHARMACY.

CHAPTER 76, REVISED LAWS.

REGISTRATION OF PHARMACISTS.

SECTION 10. There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in September be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of October following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years.

SECTION 11. Said board shall meet on the first Tuesday of October in each year at such time and place as it may determine, and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October, and additional meetings at such times and places as it shall determine.

SECTION 12. Each member of the board shall receive five dollars for every day actually spent in the performance of his duties and the amount actually paid by him, not exceeding three cents a mile each way, for necessary travelling expenses in attending the meetings of the board. The bills for such compensation and his incidental and travelling expenses shall be approved by the board and paid by the commonwealth. So much of the

receipts from examinations as may be necessary for the compensation and expenses of the board may, in addition to any amount authorized by the general court, be used for such purpose.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

SECTION 14. A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 16. The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, the enforcement of which is under the supervision of the board of registration in pharmacy, and especially of the laws relating to the sale of intoxicating liquor; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

SECTION 17. If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended for a cause punishable by law until after his conviction by a court of competent jurisdiction.

SECTION 18. Whoever, not being registered as aforesaid, retails, compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

SECTION 19. The board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

SECTION 20. The board of registration in pharmacy may annually expend not more than two thousand dollars in the performance of its official duties.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel, shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

SECTION 23. The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any unregistered member of a

copartnership be liable to the penalties hereof if he retails, compounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist.

CHAPTER 120, ACTS OF 1906.

AN ACT RELATIVE TO REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows:

Section fourteen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "dollars", in the seventh line, the words: — The said board may, in its discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state: *provided*, that such other state shall require a degree of competency equal to that required of applicants in this state. Every applicant for registration as a registered pharmacist shall pay to the secretary of the board the sum of five dollars at the time of filing the application, — so as to read as follows: — *Section 14.* A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. The said board may, in its discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state: *provided*, that such other state shall require a degree of competency equal to that required of applicants in this state. Every applicant for registration as a registered pharmacist shall pay to the secretary of the board the sum of five dollars at the time of filing the application. All fees received by the board shall be paid by its secretary into the treasury of the Commonwealth. *Approved March 1, 1906.*

CHAPTER 100, REVISED LAWS.

INTOXICATING LIQUORS, — DRUGGISTS AND APOTHECARIES.

SECTION 21. Druggists and apothecaries may sell pure alcohol for medicinal, mechanical or chemical purposes; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22. No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate of fitness prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store.

SECTION 23. The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than one dollar, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. If complaint is made, it shall state in writing the reason why a certificate should be withheld.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business in person and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, widow, executor or administrator under another registered pharmacist.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or

chemical purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows:—

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book, and shall not be detached therefrom, and shall be in form substantially as follows:—

Certificate.

I wish to purchase.....
and I certify that I am not a minor and that the same is to be used for
* Mechanical * Chemical * Medicinal purposes. [* Draw a line
through the words which do not indicate the purpose of the purchase.]

Signature

Cancelled

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and in all other cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.

SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten of chapter two hundred and twenty shall not apply to such sentence.

CHAPTER 281, ACTS OF 1906.

AN ACT RELATIVE TO THE SALE OF INTOXICATING LIQUORS BY REGISTERED PHARMACISTS.

Be it enacted, etc., as follows:

SECTION 1. In any city or town in which licenses for the sale of intoxicating liquors of the first five classes are not granted, registered pharmacists to whom a certificate of fitness has been issued as provided for by section two of this act, may sell intoxicating liquors upon the prescription of a registered physician practising in such city or town, provided that the prescription is dated, contains the name of the person prescribed for, and is signed by the physician. All such prescriptions shall be retained and kept on file in a separate book by the pharmacist filling the same, and shall not be filled a second time. Such prescription book shall be open at all times to the inspection provided for in section twenty-seven of chapter one hundred of the Revised Laws.

SECTION 2. The board of registration in pharmacy may, upon the payment by each applicant of a fee of not more than one dollar, issue to registered pharmacists certificates of fitness as provided for in section twenty-three of said chapter one hundred. Such certificates of fitness shall be subject to suspension or revocation by the board of registration in pharmacy, or by the licensing authorities of such cities and towns.

SECTION 3. Whoever violates any provision of this act shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 14, 1906.

CHAPTER 100, REVISED LAWS.

GRANTING OF LICENSES BY LOCAL BOARD.

SECTION 16. The licensing board may at any time refuse to issue a license to a person whom it considers unfit to receive the same; but the provisions of this chapter shall not be so construed as to compel said licensing board to grant licenses.

CHAPTER 100, REVISED LAWS.

CONDITIONS OF LICENSES.

SECTION 17. Each license shall be expressed, to be subject to the following conditions:—

First, That the provisions in regard to the nature of the license, and the building in which the business may be carried on under it, shall be strictly adhered to.

Second, That spirituous or intoxicating liquor shall not be sold between the hours of eleven at night and six in the morning or on the Lord's day; but if the licensee is also licensed as an innholder he may, between the hours of six in the morning and eleven at night on the Lord's day, supply such liquors to guests who have resorted to his inn for food and lodging.

Third, That spirituous or intoxicating liquor shall not be sold, exchanged or delivered, or exposed, offered or kept for sale, exchange or delivery, upon the licensed premises, unless it is of good standard quality and is free from any adulteration prohibited in the Pharmacopœia of the United States or by the laws relative to adulteration of drugs and food, for either a food or a drug. If it is marked, labelled or represented as being the product of any foreign country, it shall also be of the standard quality required for its legal sale for domestic use in the country of its reputed production. All such liquors which are sold, exchanged or delivered, or which are exposed or kept for sale, exchange or delivery, under a license of the sixth class, shall be of the quality required for their sale as drugs under the provisions of the laws relative to the adulteration of drugs and food.

Fourth. That liquor shall not be sold or delivered on the licensed premises to a person who is known to be a drunkard, to an intoxicated person, or to a person who is known to have been intoxicated within the six months last preceding, or to a minor, either for his own use, the use of his parents or of any other person, or, unless upon the prescription of a duly registered physician, to a person known to have been supported in whole or in part by public charity at any time during the twelve months last preceding the date of the license.

CHAPTER 100, REVISED LAWS.

FORFEITURE OF LICENSE.

SECTION 47. The licensing board, after notice to the licensee and reasonable opportunity for him to be heard by them or by a committee of the mayor and aldermen or selectmen, if the license was granted by them, may declare his license forfeited, upon satisfactory proof that he has violated or permitted a violation of any condition thereof. The pendency of proceedings before a court of justice shall not suspend or interfere with the power herein given to decree a forfeiture. If the license is declared to have been forfeited, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so forfeited, and if he is the owner of the premises described in such forfeited license, no license shall be issued to be exercised on said premises for the residue of the term thereof.

CHAPTER 100, REVISED LAWS.

TRANSFER OF LICENSES.

SECTION 44. Licensing boards may transfer licenses from one location to another within the city or town in which such licenses are in force; but such transfer shall be granted only to the original licensee, and like notice shall be given, the same provisions shall apply, and other proceedings shall be the same as are required upon the granting of licenses, except that no new license fee shall be required.

CHAPTER 321, ACTS OF 1902.

AN ACT TO AUTHORIZE THE BOARD OF REGISTRATION IN PHARMACY TO RECONSIDER ITS ACTION IN CASES WHERE IT MAY HAVE SUSPENDED OR REVOKED THE LICENSE OR CERTIFICATE OF REGISTRATION.

Be it enacted, etc., as follows:

SECTION 1. Section seventeen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "suspended", in the fifth line, the words: — or revoked. — and by adding at the end thereof the words: — The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as jus-

tice shall require, — so as to read as follows:— *Section 17.* If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1902.

CHAPTER 327, ACTS OF 1902.

AN ACT RELATIVE TO CONDUCTING THE BUSINESS OF A DECEASED PHARMACIST BY HIS WIDOW, EXECUTOR OR ADMINISTRATOR.

Be it enacted, etc., as follows:

SECTION 1. Section twenty-three of chapter seventy-six of the Revised Laws is hereby amended by adding at the end thereof the words:— who may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder, — so as to read as follows:— *Section 23.* The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any unregistered member of a copartnership be liable to the penalties hereof if he retails, compounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist, who

may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1902.

CHAPTER 505, ACTS OF 1902.

AN ACT TO ESTABLISH THE SALARIES OF THE MEMBERS OF THE BOARD OF REGISTRATION IN MEDICINE, THE BOARD OF REGISTRATION IN PHARMACY AND THE BOARD OF REGISTRATION IN DENTISTRY.

Be it enacted, etc., as follows:

SECTION 2. The secretary of the board of registration in pharmacy shall receive a salary of one thousand dollars a year, and the other members of said board shall each receive a salary of three hundred dollars a year, except that the chairman of said board shall receive a salary of five hundred dollars.

SECTION 4. Each member of the boards mentioned in sections one, two and three shall receive in addition to his salary his necessary travelling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board of registration in medicine, the board of registration in pharmacy and the board of registration in dentistry shall be paid out of the treasury of the Commonwealth.

SECTION 5. The fees received for examination and registration of applicants before the board of registration in medicine, before the board of registration in pharmacy, and before the board of registration in dentistry, shall be paid monthly by the secretaries of the respective boards into the treasury of the Commonwealth.

SECTION 6. Sections four, twelve and twenty-seven of chapter seventy-six of the Revised Laws are hereby repealed.

SECTION 7. This act shall take effect on the first day of July in the year nineteen hundred and two.

Approved June 23, 1902.

CHAPTER 23, ACTS OF 1906.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:—

For the salaries of the members of the board of registration in pharmacy, twenty-two hundred dollars.

For travelling and other expenses of the members of the board, a sum not exceeding thirteen hundred fifty-two dollars and eight cents.

For the salary and expenses of the agent of the board, a sum not exceeding twenty-two hundred dollars.

For a stenographer, witness fees and incidental and contingent expenses of the board, the same to include the printing of the annual report, a sum not exceeding thirteen hundred and seventy-five dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

The following laws come under the jurisdiction of the State Board of Health:—

CHAPTER 213, REVISED LAWS.

OF CRIMES AGAINST THE PUBLIC HEALTH.

SECTION 2. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum, viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words *Poison* and *Antidote*, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name

and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken packages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines or trees, except that he shall record each sale and label each package sold, as above provided.

CHAPTER 220, ACTS OF 1905.

AN ACT RELATIVE TO WOOD ALCOHOL.

Be it enacted, etc., as follows:

SECTION 1. Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers any wood alcohol, otherwise known as methyl alcohol, shall affix to the vessel containing the same and shall deliver therewith a label bearing the words "Wood Alcohol, Poison", in black letters of uncondensed Gothic type not less than one-fourth of an inch in height. Whoever violates the provisions of this section shall pay a fine of not less than fifty dollars nor more than two hundred dollars.

SECTION 2. Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, shall be punished by a fine of not less than two hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Approved March 27, 1905.

CHAPTER 386, ACTS OF 1906.

AN ACT RELATIVE TO THE LABELLING OF CERTAIN PATENT OR PROPRIETARY DRUGS AND FOODS.

Be it enacted, etc., as follows:

SECTION 1. Upon every package, bottle or other receptacle holding any proprietary or patent medicine, or any proprietary or patent food preparation, which contains alcohol to an amount in excess of the amount shown to be necessary by the United States Pharmacopœia or the National Formulary as a solvent or preservative of the active constituents of the drugs contained therein, shall be marked or inscribed a statement of the percentage of alcohol by volume contained therein; and the provisions of section nineteen of chapter seventy-five of the Revised Laws shall apply to the manner and form in which such statements shall be marked or inscribed.

SECTION 2. Every package, bottle or other receptacle holding any proprietary or patent medicine or any proprietary or patent food preparation shall bear a label containing a statement of the quantity of any opium, morphine, heroin or chloral-hydrate contained therein, provided that the package contains more than two grains of opium, or more than one fourth grain of morphine, or more than one sixteenth grain of heroin, or more than eight grains of chloral-hydrate in one fluid ounce, or, if a solid preparation, in one avoirdupois ounce: and the provisions of section nineteen of chapter seventy-five of the Revised Laws shall apply to the manner and form in which such statements shall be marked or inscribed.

SECTION 3. It shall be unlawful for any person to sell, or to expose or offer for sale, or to give or exchange, any patent or proprietary medicine or article containing cocaine or any of its salts, or alpha or beta eucaine or any synthetic substitute of the aforesaid.

SECTION 4. It shall be unlawful for any person to sell, or to expose or offer for sale, or to give or exchange any cocaine or alpha or beta eucaine or any synthetic substitute of the aforesaid, or any preparation containing the same, or any salts or compounds thereof, except upon the written prescription of a physician, dentist or veterinary surgeon registered under the laws of the Commonwealth; the original of which prescription shall be retained by the druggist filling the same and shall not again be filled.

SECTION 5. The provisions of sections three and four shall not apply to sales at wholesale made to retail druggists or dental depots nor to sales made to physicians, dentists or regularly incorporated hospitals.

SECTION 6. Whoever manufactures, sells or offers for sale any medicine or food preparation in violation of the provisions of this act shall be punished by a fine of not less than five nor more than one hundred dollars. It shall be the duty of the state board of health to cause the prosecution of all persons violating the provisions of this act; but no prosecution shall be brought for the sale at retail, or for the gift or exchange of any patent or proprietary medicine or food preparation containing any drug or preparation the sale of which is prohibited or restricted as aforesaid, unless the said board has, prior to such sale, gift or exchange, given public notice in such trade journals or newspapers as it may select that the gift, exchange or sale at retail of the said medicine or food preparation would be contrary to law.

SECTION 7. This act shall take effect on the first day of September in the year nineteen hundred and six.

Approved May 11, 1906.

TWENTY-SECOND ANNUAL REPORT

OF THE

MASSACHUSETTS

BOARD OF REGISTRATION IN PHARMACY,

FOR THE

YEAR ENDING SEPTEMBER 30, 1907.



BOSTON:

WRIGHT & POTTER PRINTING CO., STATE PRINTERS,

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1908.

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APPROVED BY
THE STATE BOARD OF PUBLICATION.

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NAMES OF BOARD AND OFFICERS.

FRED A. HUBBARD, *President.*

WILLIAM F. SAWYER, *Secretary.*

LUCIAN A. LAMSON.

ERNST O. ENGSTROM.

CHARLES F. RIPLEY.

JOSEPH E. BUSWELL, *Agent.*

Commonwealth of Massachusetts

REPORT.

To His Excellency CURTIS GUILD, Jr., *Governor.*

SIR: — In compliance with the laws of the Commonwealth, we have the honor to submit the following report. During the past year the condition of pharmacy throughout the State has been fully up to the standard of previous years. The average number of drug stores doing business in this State is about 1 to every 2,000 inhabitants. The work of this Board in the conduct of its examinations compares favorably with that of other State boards, and the number of students who are passed, upon examination, is in about the same ratio, or about $33\frac{1}{3}$ per cent. of those applying for examination. The standard of requirement of this Board will also compare favorably with other State boards of pharmacy. However, we believe it necessary that some important changes and additions should be made in our pharmacy laws which will correspond with similar laws tried in other States and found successful. We would therefore recommend the following changes and additions.

First. — That the Board of Registration in Pharmacy may have the right and power to grant certificates to assistant or junior clerks who have served a certain number of years' apprenticeship in retail drug stores, these certificates to be given after examination, and to be properly designated to distinguish them from certificates of registration now granted by said Board which qualify the holder to do business as a pharmacist. This recommendation is made for the reason that there is at the present time a scarcity of registered drug clerks. At least 70 per cent. of the drug stores in this State have no registered pharmacist connected with them other than

the registered owner, registered partner or registered managing stockholder. Each store in the State is required by the statute to be under the personal supervision of a registered pharmacist. This being the condition, it is a physical impossibility that such stores can be covered at all times by a registered pharmacist, as the law presumes they should be. The excuse offered by proprietors is the difficulty in procuring reliable registered clerks. There is a large number of reliable drug clerks who would doubtless pass an examination that would fit them as assistants, and in whose charge a drug store might temporarily be left, to the safety of the public. The assistant having such a certificate would doubtless qualify himself with time and experience to receive a complete certificate of registration.

Second. — We recommend that apprentices who intend to become pharmacists may register with the Board of Registration in Pharmacy, the date of such registration being proof of the time when experience began.

Third. — Chapter 120, Acts of 1906, provides that a pharmacist registered in another State may obtain a certificate of registration in this State under certain conditions without examination, upon the payment of a fee of \$5. We recommend that the law be so amended that the fee shall be \$10 for such registration, this being the amount already charged by other States to holders of Massachusetts certificates who apply for reciprocal registration.

Fourth. — That an addition be made to chapter 120, Acts of 1906, so as to read: "No certificate shall be granted, known as the reciprocity certificate, until the person so applying shall have signified his intention of operating the same in this state, and shall have been employed in the state from which he applies for the period of not less than one year immediately following his examination, either as clerk or proprietor in a retail drug store where physicians' prescriptions are dispensed."

Fifth. — We recommend that the clause in section 23, chapter 76 of the Revised Laws, recognizing an unregistered partner as being actively engaged in the business of pharmacy, should be repealed, provided that it can be done without injury to vested interests.

Sixth. — We would recommend that legislation extending the power of the Board of Registration in Pharmacy to suspend the certificate of registration of a pharmacist who, by confirmed habits of intoxication or the wrong use of drugs, has made himself dangerous to the public and unfitted to deal in drugs and poisons; this power to be exercised only after a hearing, and upon the most conclusive evidence.

Seventh. — The Board have issued circulars during the past year requesting that the names of registered proprietors, registered partners and registered managing stockholders appear in connection with their signs and upon labels used for medicinal preparations compounded in their stores. This request has generally been complied with, but, to avoid any misunderstanding, we would recommend such legislation as may be necessary to thus protect the public in identifying the registered proprietor, registered partner or registered manager.

Eighth. — Section 17, chapter 76 of the Revised Laws, provides that the Board of Registration in Pharmacy may for cause suspend the certificate of registration of a registered pharmacist. We would recommend that the Board should have this suspended certificate in its custody during the time of suspension.

Ninth. — We would also recommend that each drug store shall be required to register with the Board of Registration in Pharmacy and be licensed annually to carry on the business of pharmacy, upon payment of a fee of \$2 for such license to the State Treasurer, individual re-registration not to be required.

(Mr. Wm. F. Sawyer wishes to be recorded as dissenting to the ninth recommendation.)

Respectfully submitted,

FRED A. HUBBARD.

WM. F. SAWYER.

L. A. LAMSON.

ERNST O. ENGSTROM.

CHARLES F. RIPLEY.

Whereas, The retiring member of this Board, William F. Sawyer of Boston, has for the past five years served the State with credit to himself and benefit to the cause of pharmacy, we, the remaining members of the Board, desire to express our appreciation of the valuable services rendered by Mr. Sawyer. His sterling character and conscientious endeavor to do his duty will forever leave an impression on this Board in future deliberations.

Therefore be it Resolved, That these resolutions be spread upon the records of this Board, also that a copy of this resolution be sent to Mr. Sawyer.

FRED A. HUBBARD.

L. A. LAMSON.

ERNST O. ENGSTROM.

CHARLES F. RIPLEY.

REPORT OF COMMITTEE TO NATIONAL ASSOCIATION OF BOARDS OF PHAR- MACY.

MR. PRESIDENT:— The following is the report of your committee to the National Association of Boards of Pharmacy.

Saturday, August 31, at 10 o'clock A.M., the convention of the National Association of Boards of Pharmacy opened at the Astor Hotel, New York City. Thirty-one States were reported as members, Mr. F. A. Hubbard and Ernst O. Engstrom representing Massachusetts as delegates.

The committee charged with the duty of preparing and submitting suitable sample questions to be used by the State boards of pharmacy when conducting their examinations presented a report. Professor Remington of Philadelphia, Pa., and Professor J. H. Beal of Scio, O., and others offered suggestions on the same subjects. A committee of three was appointed to condense and report these suggestions, and Mr. Engstrom was made chairman of this committee.

The afternoon session opened with discussion of methods for examinations. Towards the close of this session a nominating committee, appointed from the floor, brought in the names of candidates for the election of officers, and Mr. F. A. Hubbard of Massachusetts was unanimously elected president of the National Association of Boards of Pharmacy.

Monday morning, September 2, Mr. Engstrom, as chairman on examination questions, reported, and spoke for the adoption of certain methods. A general discussion followed. Dr. H. W. Wiley, a "Pure Food and Drug Commissioner" of Washington, D. C., was invited to speak. In his remarks he especially mentioned the spirit displayed by the Massachusetts delegates and others who had spoken with the earnest

desire, as he thought, to improve the standing of pharmacy in the United States. He referred in complimentary terms to the educational advantages of our Commonwealth.

At the close of this session the newly elected officers were installed. The several committees were appointed, and Mr. Engstrom was placed as chairman on the committee on questions and methods of State boards of pharmacy examinations. The syllabus committee of twenty-one, representing prominent men in the calling of pharmacy from different parts of the United States, were appointed. At a meeting held Tuesday night by this committee Mr. Engstrom was elected as chairman of the chemistry committee, and thus became a member of the executive committee of twenty-one.

Tuesday and Wednesday were taken up with organizing the different work for the coming year; and in this connection, as representatives of the State of Massachusetts, we used our best efforts to improve the standing of pharmacy on such basis that it may be practical to establish the reciprocal exchange of certificates between the States, in accordance with our law of 1906, and still protect the public from ignorant or unfitted men practising our calling. The convention work during the remaining time was along this same line of work.

On Saturday, September 7, the meeting was adjourned, to meet next year at Hot Springs, Ark.

Respectfully submitted,

FRED A. HUBBARD.

ERNST O. ENGSTROM.

SECRETARY'S REPORT.

Meetings for examinations have been held on dates and with results as follows: —

1906-07.	Days.	Examined.	Passed.	Rejected.	1906-07.	Days.	Examined.	Passed.	Rejected.
October 9, .	1	9	1	8	April 2, . .	1	15	7	8
October 16, .	1	10	2	8	April 9, . .	1	15	3	12
October 23, .	1	9	1	8	April 16, . .	1	9	3	6
November 5, .	1	13	1	12	April 23, . .	1	11	5	6
December 4, .	1	14	5	9	May 7, . .	1	13	2	11
December 11, .	1	13	3	10	May 14, . .	1	14	3	11
December 18, .	1	15	1	14	May 21, . .	1	15	7	8
January 1, .	1	12	2	10	June 4, . .	1	14	3	11
January 15, .	1	13	4	9	June 11, . .	1	16	2	14
January 29, .	1	12	4	8	June 12, . .	1	15	5	10
February 5, .	1	14	6	8	June 18, . .	1	16	6	10
February 19, .	1	14	3	11	September 23, .	1	10	2	8
March 5, .	1	14	6	8		27	353	97	256
March 12, .	1	14	6	8					
March 19, .	1	14	4	10					

Of the 97 candidates who passed the examinations this year: —

43 passed on first examination.
 22 passed on second examination.
 10 passed on third examination.
 13 passed on fourth examination.

4 passed on fifth examination.
 2 passed on sixth examination.
 2 passed on seventh examination.
 1 passed on tenth examination.

Applications for registration by virtue of reciprocity with other States were considered on dates and with results as follows:—

1906-07.	State in which Applicant was examined.	Number of Applications considered.	Registered.	Rejected.
October 26,	Michigan,	1	—	1
October 30,	Louisiana,	1	—	1
January 25,	Vermont, . .	4	4	—
February 27,	Vermont, . .	2	2	—
March 26, . .	Vermont, . .	3	3	—
June 26, . .	Vermont, . .	2	2	—
June 26, . .	Maine, . . .	3	3	—
August 26, . .	Vermont, . .	6	6	—
August 26, . .	Maine, . . .	2	2	—
September 23,	Maine, . . .	3	3	—
September 24,	Maine, . . .	5	3	2
September 24,	Vermont, . .	3	1	2
		35	29	6

REGISTRATION.

138 fees for first examination, at \$5,	\$690 00
208 fees for re-examination, at \$3,	624 00
29 fees for registration by reciprocity, at \$5,	145 00
11 fees for duplicate certificates, at \$1,	11 00
10 fees for forwarding papers of applicants who are registered in Massachusetts, and desire registration by reciprocity in another State, at \$1,	10 00
	<hr/> \$1,480 00
Amount of fees paid to State Treasurer,	\$1,435 00
Amount of examination fees returned by request, cancelling privilege of examination,	30 00
Amount of reciprocity fees returned, reciprocity being refused,	15 00
	<hr/> \$1,480 00

LIQUOR CERTIFICATES.

Number of applications received for certificates to expire April 30, 1907 (from Oct. 1, 1906),	91
Number of certificates granted for sixth-class license,	48
Number of certificates granted to sell liquor on physicians' prescriptions,	19
Number of certificates refused for sixth-class license,	19
Number of certificates refused to sell liquor on physicians' prescriptions,	5

Number of applications received for certificates to expire April 30, 1908 (to Oct. 1, 1907),	1,588
Number of certificates granted for sixth-class licenses,	1,154
Number of certificates granted to sell liquor on physicians' prescriptions,	303
Number of certificates refused for sixth-class license,	87
Number of certificates refused to sell liquor on physicians' prescriptions,	32
Number of applications pending	12
Total number of applications for the year,	1,679
Total number of certificates granted,	1,524
Total number of certificates refused,	143
Total number of applications pending,	12

FINANCIAL STATEMENT.

Amount of fees received during the year,	\$1,679 00
Amount paid to the Treasurer (certificates granted),	\$1,524 00
Amount returned to applicants to whom certificates were refused,	143 00
Cash on hand (applications pending action by Board),	12 00

EXPENDITURES.

Salaries of members:—

Fred A. Hubbard,	\$539 34
William F. Sawyer,	1,000 00
Lucian A. Lamson,	378 69
Charles N. Swift,	298 06
Ernst O. Engstrom,	378 69
Charles F. Ripley,	80 63

 \$2,675 41

Expenses of members:—

Fred A. Hubbard, including expenses to National Convention of Boards of Pharmacy,	\$267 14
Wm. F. Sawyer,	265 35
L. A. Lamson,	194 48
Charles N. Swift,	154 00
Ernst O. Engstrom, including expenses to National Convention of Boards of Pharmacy,	564 74
Charles F. Ripley,	8 50

 1,454 21

Agent, salary and expenses:—

Joseph E. Buswell, salary,	\$1,500 00
Joseph E. Buswell, expenses,	612 60

 2,112 60

Amount carried forward, \$6,242 22

Amount brought forward, \$6,242 22

Stenographer, witness fees, incidental and contingent expenses (we have exceeded our appropriation on this account because of extra printing and postal supplies) :—

Bessie B. Burroughs,	\$1,000 00
New England Telephone and Telegraph Company,	31 38
Wright & Potter Printing Company,	173 04
Postal supplies,	147 93
Press Clipping Bureau,	5 00
Gilman Brothers,	56 74
Whitall Tatum Company,	30 06
Henry W. Stone,	17 75
J. L. Hammett Company,	11 29
Rotary Neostyle Company,	7 75
J. L. Fairbanks & Co.,	3 50
Paid for witness fees,	82 08
Laundry for examination department,	1 56
Services in washing dispensing tools,	3 90
Sampson & Murdock Company,	6 50
Charles A. French,	3 40
Elizabeth V. Scanlon, clerical assistance,	5 00
Remington Typewriter Company,	3 25
Theodore Metcalf Company,	95
Thorp & Martin Company,	2 00
Pocket Manual Company,	1 00
E. L. Patch Company,	75
National Association of Boards of Pharmacy,	10 00
Dennison Manufacturing Company,	4 23
William H. Bradford,	3 30
Old Corner Book Store,	12 25
Samuel Ward Company,	9 55

1,634 16

\$7,876 38

DECEASED PHARMACISTS (OCT. 1, 1906, TO OCT. 1, 1907).

Charles E. Allen, Lawrence
 Bernard Billings, Newton.
 Frans L. Braconier, Brockton.
 Timothy A. Brennan, Worcester.
 Freeman H. Butler, Lowell.
 Henry Canning, Boston.
 Alfred C. Dana, Franklin.
 Frank E. Gaylord, Boston.

Richard C. Howe, Haverhill.
 Daniel H. Joel, Fitchburg
 James McShane, Salem.
 Henry E. Morgan, Milford.
 Thomas M. Pengilly, Boston.
 James B. Simas, Haverhill.
 John J. Sullivan, Lawrence.
 Amos K. Tilden, Cohasset.

SUMMARY.

Meetings : —

For examination,	27
For hearings, business, correction of books, etc.,	22
Total number of meetings for the year,	49

Hearings : —

On formal complaint, charge of aiding an unregistered person in the conduct of pharmacy business,	2
On formal complaint, charge of violating the liquor law,	16
On revocation of certificates of fitness,	3
On petition for reinstatement by a suspended pharmacist,	2
On applications for certificates for sixth-class license and certificates of fitness (Acts of 1906),	156
Total number of hearings for the year,	179

Results of hearings : —

Number of certificates of registration suspended for three years,	4
Number of certificates of registration suspended for two years,	2
Number of certificates of registration suspended for one year,	3
Number of certificates suspended for one month,	1
Number of complaints placed on file,	7
Number of certificates of fitness revoked,	1
Number of suspended pharmacists reinstated as registered pharmacists,	1

Drug stores : —

Number of drug stores in the State,	1,572
Number of new stores opened during the past year,	38
Number of drug stores closed,	29

Respectfully submitted,

WM. F. SAWYER,

Secretary.

LAWS

RELATING TO

THE PRACTICE OF PHARMACY

IN

MASSACHUSETTS.

1907.

LAWS RELATING TO PHARMACY.

CHAPTER 76, REVISED LAWS.

REGISTRATION OF PHARMACISTS.

SECTION 10. There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in September be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of October following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years.

SECTION 11. Said board shall meet on the first Tuesday of October in each year at such time and place as it may determine, and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October, and additional meetings at such times and places as it shall determine.

SECTION 12. Each member of the board shall receive five dollars for every day actually spent in the performance of his duties and the amount actually paid by him, not exceeding three cents a mile each way, for necessary travelling expenses in attending the meetings of the board. The bills for such compensation and his incidental and travelling expenses shall be approved by the board and paid by the commonwealth. So much of the receipts from examinations as may be necessary for the com-

pensation and expenses of the board may, in addition to any amount authorized by the general court, be used for such purpose.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

SECTION 14. A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 16. The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, the enforcement of which is under the supervision of the board of registration in pharmacy, and especially of the laws relating to the sale of intoxicating liquor; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of.¹ The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

¹ Amended by chapter 140, Acts of 1907.

SECTION 17. If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended for a cause punishable by law until after his conviction by a court of competent jurisdiction.

SECTION 18. Whoever, not being registered as aforesaid, retails, compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist.

SECTION 19. The board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

SECTION 20. The board of registration in pharmacy may annually expend not more than two thousand dollars in the performance of its official duties.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel, shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

SECTION 23. The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any unregistered member of a

copartnership be liable to the penalties hereof if he retails, compounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist.

CHAPTER 100, REVISED LAWS.

GRANTING OF LICENSES BY LOCAL BOARD.

SECTION 16. The licensing board may at any time refuse to issue a license to a person whom it considers unfit to receive the same; but the provisions of this chapter shall not be so construed as to compel said licensing board to grant licenses.

CHAPTER 100, REVISED LAWS.

CONDITIONS OF LICENSES.

SECTION 17. Each license shall be expressed, to be subject to the following conditions:—

First, That the provisions in regard to the nature of the license, and the building in which the business may be carried on under it, shall be strictly adhered to.

Second, That spirituous or intoxicating liquor shall not be sold between the hours of eleven at night and six in the morning or on the Lord's day; but if the licensee is also licensed as an innholder he may, between the hours of six in the morning and eleven at night on the Lord's day, supply such liquors to guests who have resorted to his inn for food and lodging.

Third, That spirituous or intoxicating liquor shall not be sold, exchanged or delivered, or exposed, offered or kept for sale, exchange or delivery, upon the licensed premises, unless it is of good standard quality and is free from any adulteration prohibited in the Pharmacopœia of the United States or by the laws relative to adulteration of drugs and food, for either a food or a drug. If it is marked, labelled or represented as being the product of any foreign country, it shall also be of the standard quality required for its legal sale for domestic use in the country of its reputed production. All such liquors which are sold, exchanged or delivered, or which are exposed or kept for sale, exchange or delivery, under a license of the sixth class, shall be of the quality required for their sale as drugs under the provisions of the laws relative to the adulteration of drugs and food.

Fourth, That liquor shall not be sold or delivered on the licensed premises to a person who is known to be a drunkard, to an intoxicated person, or to a person who is known to have been intoxicated within the six months last preceding, or to a minor, either for his own use, the use of his parents or of any other person, or, unless upon the prescription of a duly registered physician, to a person known to have been supported in whole or in part by public charity at any time during the twelve months last preceding the date of the license.

CHAPTER 100, REVISED LAWS.

INTOXICATING LIQUORS, — DRUGGISTS AND APOTHECARIES.

SECTION 21.¹ Druggists and apothecaries may sell pure alcohol for medicinal, mechanical or chemical purposes; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22. No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate of fitness prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store.

SECTION 23. The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than one dollar, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof.² Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. If

¹ Amended by chapter 190, Acts of 1907. ² Amended by chapter 308, Acts of 1907.

complaint is made, it shall state in writing the reason why a certificate should be withheld.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business in person and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, widow, executor or administrator under another registered pharmacist.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or chemical purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows:—

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book, and shall not be detached therefrom, and shall be in form substantially as follows:—

Certificate.

I wish to purchase.....
and I certify that I am not a minor and that the same is to be used for
* Mechanical * Chemical * Medicinal purposes. [* Draw a line
through the words which do not indicate the purpose of the purchase.]

Signature

Cancelled

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and in all other cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.

SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten of chapter two hundred and twenty shall not apply to such sentence.

CHAPTER 100, REVISED LAWS.

TRANSFER OF LICENSES.

SECTION 44. Licensing boards may transfer licenses from one location to another within the city or town in which such licenses are in force; but such transfer shall be granted only to the original licensee, and like notice shall be given, the same provisions shall apply, and other proceedings shall be the same as are required upon the granting of licenses, except that no new license fee shall be required.

CHAPTER 100, REVISED LAWS.

FORFEITURE OF LICENSE.

SECTION 47. The licensing board, after notice to the licensee and reasonable opportunity for him to be heard by them or by a committee of the mayor and aldermen or selectmen, if the license was granted by them, may declare his license forfeited, upon satisfactory proof that he has violated or permitted a violation of any condition thereof. The pendency of proceedings before a court of justice shall not suspend or interfere with the

power herein given to decree a forfeiture. If the license is declared to have been forfeited, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so forfeited, and if he is the owner of the premises described in such forfeited license, no license shall be issued to be exercised on said premises for the residue of the term thereof.

CHAPTER 213, REVISED LAWS.

OF CRIMES AGAINST THE PUBLIC HEALTH.

SECTION 2. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum, viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words *Poison* and *Antidote*, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken packages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines or trees, except that he shall record each sale and label each package sold, as above provided.

AMENDMENTS.

CHAPTER 321, ACTS OF 1902.

AN ACT TO AUTHORIZE THE BOARD OF REGISTRATION IN PHARMACY TO RECONSIDER ITS ACTION IN CASES WHERE IT MAY HAVE SUSPENDED OR REVOKED THE LICENSE OR CERTIFICATE OF REGISTRATION.

Be it enacted, etc., as follows:

SECTION 1. Section seventeen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "suspended", in the fifth line, the words:— or revoked,— and by adding at the end thereof the words:— The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require,— so as to read as follows:— *Section 17.* If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1902.

CHAPTER 327, ACTS OF 1902.

AN ACT RELATIVE TO CONDUCTING THE BUSINESS OF A DECEASED PHARMACIST BY HIS WIDOW, EXECUTOR OR ADMINISTRATOR.

Be it enacted, etc., as follows:

SECTION 1. Section twenty-three of chapter seventy-six of the Revised Laws is hereby amended by adding at the end thereof the words:— who may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder,— so as to read as follows:— *Section 23.* The provisions of sections

twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any unregistered member of a copartnership be liable to the penalties hereof if he retails, compounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist, who may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1902.

CHAPTER 505, ACTS OF 1902.

AN ACT TO ESTABLISH THE SALARIES OF THE MEMBERS OF THE BOARD OF REGISTRATION IN MEDICINE, THE BOARD OF REGISTRATION IN PHARMACY AND THE BOARD OF REGISTRATION IN DENTISTRY.

Be it enacted, etc., as follows:

SECTION 2. The secretary of the board of registration in pharmacy shall receive a salary of one thousand dollars a year, and the other members of said board shall each receive a salary of three hundred dollars a year, except that the chairman of said board shall receive a salary of five hundred dollars.

SECTION 4. Each member of the boards mentioned in sections one, two and three shall receive in addition to his salary his necessary travelling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board of registration in medicine, the board of registration in pharmacy and the board of registration in dentistry shall be paid out of the treasury of the Commonwealth.

SECTION 5. The fees received for examination and registration of applicants before the board of registration in medicine,

before the board of registration in pharmacy, and before the board of registration in dentistry, shall be paid monthly by the secretaries of the respective boards into the treasury of the Commonwealth.

SECTION 6. Sections four, twelve and twenty-seven of chapter seventy-six of the Revised Laws are hereby repealed.

SECTION 7. This act shall take effect on the first day of July in the year nineteen hundred and two.

Approved June 23, 1902.

CHAPTER 220, ACTS OF 1905.

AN ACT RELATIVE TO WOOD ALCOHOL.

Be it enacted, etc., as follows:

SECTION 1. Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers any wood alcohol, otherwise known as methyl alcohol, shall affix to the vessel containing the same and shall deliver therewith a label bearing the words "Wood Alcohol, Poison", in black letters of uncondensed Gothic type not less than one-fourth of an inch in height. Whoever violates the provisions of this section shall pay a fine of not less than fifty dollars nor more than two hundred dollars.

SECTION 2. Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, shall be punished by a fine of not less than two hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Approved March 27, 1905.

CHAPTER 120, ACTS OF 1906.

AN ACT RELATIVE TO REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows:

Section fourteen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "dollars", in the seventh line, the words: — The said board may, in its discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state: *provided*, that such other state shall require a degree of competency equal to

that required of applicants in this state. Every applicant for registration as a registered pharmacist shall pay to the secretary of the board the sum of five dollars at the time of filing the application,—so as to read as follows:—*Section 14.* A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. The said board may, in its discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state: *provided*, that such other state shall require a degree of competency equal to that required of applicants in this state. Every applicant for registration as a registered pharmacist shall pay to the secretary of the board the sum of five dollars at the time of filing the application. All fees received by the board shall be paid by its secretary into the treasury of the Commonwealth. *Approved March 1, 1906.*

CHAPTER 281, ACTS OF 1906.

AN ACT RELATIVE TO THE SALE OF INTOXICATING LIQUORS BY
REGISTERED PHARMACISTS.

Be it enacted, etc., as follows:

SECTION 1. In any city or town in which licenses for the sale of intoxicating liquors of the first five classes are not granted, registered pharmacists to whom a certificate of fitness has been issued as provided for by section two of this act, may sell intoxicating liquors upon the prescription of a registered physician practising in such city or town, provided that the prescription is dated, contains the name of the person prescribed for, and is signed by the physician. All such prescriptions shall be retained and kept on file in a separate book by the pharmacist filling the same, and shall not be filled a second time. Such prescription book shall be open at all times to the inspection provided for in section twenty-seven of chapter one hundred of the Revised Laws.

SECTION 2. The board of registration in pharmacy may, upon the payment by each applicant of a fee of not more than one dollar, issue to registered pharmacists certificates of fitness as provided for in section twenty-three of said chapter one hun-

dred. Such certificates of fitness shall be subject to suspension or revocation by the board of registration in pharmacy, or by the licensing authorities of such cities and towns.

SECTION 3. Whoever violates any provision of this act shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 14, 1906.

CHAPTER 386, ACTS OF 1906.

AN ACT RELATIVE TO THE LABELLING OF CERTAIN PATENT OR PROPRIETARY DRUGS AND FOODS.

Be it enacted, etc., as follows:

SECTION 1.¹ Upon every package, bottle or other receptacle holding any proprietary or patent medicine, or any proprietary or patent food preparation, which contains alcohol to an amount in excess of the amount shown to be necessary by the United States Pharmacopœia or the National Formulary as a solvent or preservative of the active constituents of the drugs contained therein, shall be marked or inscribed a statement of the percentage of alcohol by volume contained therein; and the provisions of section nineteen of chapter seventy-five of the Revised Laws shall apply to the manner and form in which such statements shall be marked or inscribed.

SECTION 2. Every package, bottle or other receptacle holding any proprietary or patent medicine or any proprietary or patent food preparation shall bear a label containing a statement of the quantity of any opium, morphine, heroin or chloral-hydrate contained therein, provided that the package contains more than two grains of opium, or more than one fourth grain of morphine, or more than one sixteenth grain of heroin, or more than eight grains of chloral-hydrate in one fluid ounce, or, if a solid preparation, in one avoirdupois ounce; and the provisions of section nineteen of chapter seventy-five of the Revised Laws shall apply to the manner and form in which such statements shall be marked or inscribed.

SECTION 3. It shall be unlawful for any person to sell, or to expose or offer for sale, or to give or exchange, any patent or proprietary medicine or article containing cocaine or any of its salts, or alpha or beta eucaine or any synthetic substitute of the aforesaid.

¹ Amended by chapter 259, Acts of 1907.

SECTION 4. It shall be unlawful for any person to sell, or to expose or offer for sale, or to give or exchange any cocaine or alpha or beta eucaine or any synthetic substitute of the aforesaid, or any preparation containing the same, or any salts or compounds thereof, except upon the written prescription of a physician, dentist or veterinary surgeon registered under the laws of the Commonwealth; the original of which prescription shall be retained by the druggist filling the same and shall not again be filled.

SECTION 5. The provisions of sections three and four shall not apply to sales at wholesale made to retail druggists or dental depots nor to sales made to physicians, dentists or regularly incorporated hospitals.

SECTION 6. Whoever manufactures, sells or offers for sale any medicine or food preparation in violation of the provisions of this act shall be punished by a fine of not less than five nor more than one hundred dollars. It shall be the duty of the state board of health to cause the prosecution of all persons violating the provisions of this act; but no prosecution shall be brought for the sale at retail, or for the gift or exchange of any patent or proprietary medicine or food preparation containing any drug or preparation the sale of which is prohibited or restricted as aforesaid, unless the said board has, prior to such sale, gift or exchange, given public notice in such trade journals or newspapers as it may select that the gift, exchange or sale at retail of the said medicine or food preparation would be contrary to law.

SECTION 7. This act shall take effect on the first day of September in the year nineteen hundred and six.

Approved May 11, 1906.

CHAPTER 140, ACTS OF 1907.

AN ACT RELATIVE TO THE BOARD OF REGISTRATION IN
PHARMACY.

Be it enacted, etc., as follows:

Section sixteen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "of", in the fourteenth line, the words: — or within thirty days after a conviction by a court of competent jurisdiction, — so as to read as follows: — *Section 16.* The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging

him in his business as a pharmacist with violating any of the laws of the Commonwealth, the enforcement of which is under the supervision of the board of registration in pharmacy, and especially of the laws relating to the sale of intoxicating liquors; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of, or within thirty days after a conviction by a court of competent jurisdiction. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

Approved February 21, 1907.

CHAPTER 190, ACTS OF 1907.

AN ACT TO REGULATE THE SALE OF PURE ALCOHOL BY DRUGGISTS AND APOTHECARIES.

Be it enacted, etc., as follows:

Section twenty-one of chapter one hundred of the Revised Laws is hereby amended by inserting after the word "apothecaries", in the first line, the words: — having a sixth class license or a certificate of fitness, — and by inserting after the word "purposes", in the second line, the words: — without a physician's prescription, the said sales to be recorded in the manner provided for in section twenty-six, — so as to read as follows: —

Section 21. Druggists and apothecaries having a sixth class license or a certificate of fitness, may sell pure alcohol for medicinal, mechanical or chemical purposes without a physician's prescription, the said sales to be recorded in the manner provided for in section twenty-six; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

Approved March 12, 1907.

CHAPTER 308, ACTS OF 1907.

AN ACT TO AUTHORIZE THE REVOCATION OF CERTIFICATES GRANTED TO DRUGGISTS AND APOTHECARIES BY THE BOARD OF REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows:

SECTION 1. Section twenty-three of chapter one hundred of the Revised Laws is hereby amended by striking out all after the word "thereof", in the seventh line, and inserting in place thereof the words:—The board may, after giving a hearing to the parties interested, revoke such certificate for any cause that it may deem proper,—so as to read as follows:—*Section 23.* The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than one dollar, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. The board may, after giving a hearing to the parties interested, revoke such certificate for any cause that it may deem proper.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1907.

CHAPTER 259, ACTS OF 1907.

AN ACT RELATIVE TO THE LABELLING OF CERTAIN PATENT OR PROPRIETARY DRUGS AND FOODS.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and eighty-six of the acts of the year nineteen hundred and six is hereby amended by striking out section one and inserting in place thereof the following:—*Section 1.* Upon every package, bottle or other receptacle holding any proprietary or patent medicine, or any proprietary or patent food preparation, which contains alcohol, morphine, codeine, opium, heroin, chloroform, cannibis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances, shall be marked or inscribed a statement on the label of the quantity or proportion of each of said substances contained therein. The size of type in which the names of the above substances shall be printed on the labels as above, shall not be smaller than eight point (brevier) caps: *provided*, that in case the size of the package will not permit the use of eight point cap type the size of the type may be reduced pro-

portionately. The provisions of section nineteen of chapter seventy-five of the Revised Laws, so far as they are consistent herewith, shall apply to the manner and form in which such statements shall be marked or inscribed.

SECTION 2. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber or manufacturer residing in this Commonwealth, from whom he purchases such articles, to the effect that the same is not misbranded within the meaning of this act, designating it. Such guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer; and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.

SECTION 3. Section two of chapter three hundred and eighty-six of the acts of the year nineteen hundred and six is hereby repealed.

SECTION 4. This act shall take effect on the first day of March in the year nineteen hundred and eight.

Approved March 29, 1907.

CHAPTER 59, ACTS OF 1907.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows:

SECTION 1. The sums hereafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the board of registration in pharmacy, for the fiscal year ending on the thirtieth day of November, nineteen hundred and seven, to wit:—

For the salaries of the members of the board, twenty-four hundred dollars.

For travelling and other expenses of the members of the board, a sum not exceeding seventeen hundred and twenty-five dollars.

For the salary and expenses of the agent of the board, a sum not exceeding twenty-four hundred dollars.

For a stenographer, witness fees and incidental and contingent expenses of the board, the same to include the printing of the annual report, a sum not exceeding fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1907.

CHAPTER 399, ACTS OF 1907.

AN ACT TO ESTABLISH THE SALARIES OF THE MEMBERS OF THE
BOARD OF REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows:

SECTION 1. The annual salary of the secretary of the board of registration in pharmacy shall be one thousand dollars, and that of the other members of the board shall be five hundred dollars each, except that the chairman shall receive six hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1907.

TWENTY-THIRD ANNUAL REPORT

OF THE

MASSACHUSETTS

BOARD OF REGISTRATION IN PHARMACY,

FOR THE

FOURTEEN MONTHS ENDING NOVEMBER 30, 1908.



BOSTON:
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
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1909.

C.

APPROVED BY
THE STATE BOARD OF PUBLICATION.

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NAMES OF BOARD AND OFFICERS.

LUCIAN A. LAMSON, *President.*

FRED A. HUBBARD, *Secretary.*

ERNST O. ENGSTROM.

CHARLES F. RIPLEY.

IRVING P. GAMMON.

JOSEPH E. BUSWELL, *Agent.*

Commonwealth of Massachusetts.

REPORT.

To His Excellency CURTIS GUILD, Jr., *Governor*.

SIR:— In compliance with the laws of the Commonwealth, the Board of Registration in Pharmacy has the honor to submit the following report.

The drug trade in the State has suffered, with all other branches of business, by the great financial depression the past year, although but few failures have occurred. There are, as near as can be ascertained, 1,611 drug stores in the State at the present time.

In the examination of candidates to practice pharmacy, the Board has endeavored to keep the standard as high as in any State in the Union, and has the satisfaction of believing that it has done so. The examinations this year have continued on about the same lines as last, and, as a whole, the year's work has been very satisfactory. At the last session of the Legislature a bill was passed giving the Board of Registration in Pharmacy the power to grant certificates of registration as assistants, after examination. This law is being now applied, and certificates as assistant pharmacists are being granted.

During the past two years there have been some amendments and additions to the laws relating to pharmacy, some of which, we believe, should be slightly amended. Chapter 281, Acts of 1906, gives the Board of Registration in Pharmacy the power to grant certificates of fitness to registered pharmacists to sell intoxicating liquor, only on a physician's prescription, in those cities and towns which do not grant licenses of the first five classes to sell liquor. We would recommend that this law be so amended that the Board may

grant a certificate of fitness to an applicant residing in a licensed city or town should the applicant prefer it to a sixth-class license.

Chapter 308, Acts of 1907, gives the Board of Registration in Pharmacy the right to revoke, for cause, any certificate which it may have granted to enable the applicant to procure a sixth-class license, but the law does not state that such revocation shall revoke the license granted thereon. We would recommend that the law be so amended that the revocation of a certificate shall revoke the sixth-class license granted thereon by the local authorities.

We would further recommend that the term of office of the members of the Board be changed to correspond with the fiscal year of the Commonwealth, namely, from December 1 to November 30, inclusive, and that the members of the present Board hold over until such date. At present the official year ends October 1.

We would recommend that druggists holding a sixth-class license should be exempt from giving a bond, and that the fee be made \$5 instead of \$1, as at present, payable to the State. As about three-fourths of the expense of the Board is incurred in carrying out the provisions of the pharmacy laws regarding the sale of intoxicating liquor, we believe the druggists should pay what it costs the State to grant them the privilege. This fee should also apply to certificates of fitness granted by authority of chapter 281, Acts of 1906.

We would again recommend that the Board have the power to suspend certificates of registration in pharmacy for gross and confirmed habits of intoxication or improper use of drugs, such suspension to take place only after a hearing and the most conclusive evidence.

Respectfully submitted,

L. A. LAMSON.

FRED A. HUBBARD.

ERNST O. ENGSTROM.

CHARLES F. RIPLEY.

IRVING P. GAMMON.

Resolved, That, in accordance with the law regulating the term of office of the members of the Board of Registration in Pharmacy, this Board has lost one of its most valuable members in Fred A. Hubbard, whose term of office expired Oct. 1, 1908.

Mr. Hubbard has given to the Board the best of assistance as president and secretary. Not only has he been vigilant in elevating the profession of pharmacy and seeing executed the laws relating thereto in this Commonwealth, but he has reflected additional honor to the State, as president of the National Association of Boards of Pharmacy, in advocating and bringing about a unity of action that will make possible in the near future a reciprocal exchange of certificates of registration throughout the United States.

It has been on his recommendation that several amendments to the pharmacy laws have been enacted which have benefited and will benefit the public and the profession of pharmacy. In his retirement the Board loses a helpful colleague and the State a conscientious servant.

Therefore be it Resolved, That these resolutions be spread upon the records of this Board, and that a copy be sent to Mr. Hubbard.

L. A. LAMSON.

ERNST O. ENGSTROM.

CHARLES F. RIPLEY.

IRVING P. GAMMON.

REPORT OF COMMITTEE TO NATIONAL ASSOCIATION OF BOARDS OF PHARMACY.

L. A. LAMSON, *President of Board of Pharmacy.*

As representatives of the Massachusetts State Board of Pharmacy to the convention of the National Association of Boards of Pharmacy, at Hot Springs, Ark., September 7 to 10, we beg to submit the following report.

Monday, September 7, the work of the convention opened by a meeting of the executive committee, at which meeting your delegate, Mr. F. A. Hubbard, as president of the association, presided.

The formal opening of the convention took place at the Eastman Hotel, Tuesday, September 8, at 10 A.M., when Mr. F. A. Hubbard called the meeting to order. Mr. Hubbard read his report, offering suggestions and changes which if adopted would bring forth a better understanding and more uniform methods of examinations in the respective States represented in the association. The report of the president was accepted, and later all his recommendations were adopted. At the afternoon session, Mr. Engstrom, as chairman of the committee on questions and methods of examinations, submitted the report of that committee, and it brought out an animated discussion, which undoubtedly will help the members in future examinations of candidates for registration in pharmacy.

Wednesday morning Mr. Engstrom submitted the report of the syllabus committee, which pertains chiefly to the work of schools and colleges of pharmacy. In the afternoon the election of officers took place, and Mr. Engstrom was elected for three years as a member of the executive committee. At this session Mr. Hubbard was tendered a vote of thanks

for the able manner in which he had presided over the affairs of the association.

The meeting was well attended, twenty-six State Boards being represented. The work is undoubtedly in the right direction, and we find that other professions are following in our footsteps. Dr. Motter, being present at the meeting, stated that the medical profession was starting in on the same lines.

Virginia, Texas and Colorado have been admitted to membership during the year.

At a meeting of the executive committee held Thursday morning, September 10, Mr. Engstrom was elected chairman of that committee for this year.

The association voted to print a complete report of the proceedings, and each member of the different Boards will be supplied with a copy.

Respectfully submitted,

FRED A. HUBBARD.

ERNST O. ENGSTROM.

SECRETARY'S REPORT.

Meetings for examinations have been held on dates and with results as follows:—

EXAMINATIONS.

1907-08.	Days.	Examined.	Passed.	Rejected.	1907-08.	Days.	Examined.	Passed.	Rejected.
October 1, .	1	11	2	9	April 21, . .	1	17	8	9
October 15, .	1	14	9	5	April 28, . .	1	15	8	7
October 22, .	1	17	3	14	May 5, . . .	1	17	6	11
November 12, .	1	10	2	8	May 11, . . .	1	16	3	13
November 19, .	1	11	4	7	May 19, . . .	1	19	5	14
December 3, .	1	15	3	12	May 26, . . .	1	14	6	8
December 17, .	1	15	8	7	June 2, . . .	1	19	4	15
January 7, . .	1	16	5	11	June 9, . . .	1	17	6	11
January 14, .	1	13	3	10	June 16, . . .	1	18	4	14
February 4, .	1	17	6	11	June 22, . . .	1	19	4	15
February 11, .	1	17	9	8	June 30, . . .	1	16	6	10
March 3, . . .	1	16	6	10	September 28, . .	1	14	6	8
March 10, . .	1	18	10	8		25	391	136	255

Of the 136 candidates who passed the examinations this year:—

47 passed on first examination.
 32 passed on second examination.
 19 passed on third examination.
 20 passed on fourth examination.

10 passed on fifth examination.
 6 passed on sixth examination.
 1 passed on eighth examination.
 1 passed on tenth examination

RECIPROCITY.

STATE.	Number registered.	Number rejected.
Vermont,	4	1
Maine,	11	2
Connecticut,	6	3
California,	1	—
	22	6

FEES RECEIVED FROM OCT. 1, 1907, TO OCT. 1, 1908.

For registration: —

145 fees for first examination, at \$5,	\$725 00
226 fees for re-examination, at \$3,	678 00
21 fees for reciprocal registration, at \$5,	105 00
3 fees for reciprocal registration, at \$10 (after change in law),	30 00
9 fees for duplicate certificates, at \$1,	9 00
11 fees for clerical services relating to reciproc- ity, at \$1,	11 00
Total amount of registration fees,	\$1,558 00

For liquor certificates: —

1,281 fees for certificates for sixth-class licenses, at \$1,	\$1,281 00
445 fees for certificates to sell intoxicating liquor only on physicians' prescriptions, at \$1,	445 00
Total amount of liquor certificate fees,	1,726 00

Total amount of fees received during the year, . . . \$3,284 00

Amount of fees transmitted to the State Treasurer, . . . \$3,151 00

Refunded to applicants: —

To rejected applicants for reciprocity,	\$30 00
To rejected applicants for sixth-class license cer- tificates, and certificates to sell liquor on phy- sicians' prescriptions,	103 00
Total amount refunded,	133 00

Total payment of fees, \$3,284 00

LIQUOR CERTIFICATES.

Number of applications received for certificates to expire April 30, 1908 (from Oct. 1, 1907),	106
Number of certificates granted for sixth-class licenses,	56
Number of certificates granted to sell intoxicating liquor on physicians' prescriptions,	23
Number of applications refused,	27
Number of applications received for certificates to expire April 30, 1909 (to Oct. 1, 1908),	1,620
Number of certificates granted for sixth-class licenses,	1,119
Number of certificates granted to sell intoxicating liquor on physicians' prescriptions,	422
Number of applications refused,	76
Number of applications pending,	3
Total number of applications for the year,	1,726

EXPENDITURES (OCT. 1, 1907, TO OCT. 1, 1908).

Members' salaries: —

Lucian A. Lamson, president,	\$600 00
Fred A. Hubbard, secretary,	1,000 00
Ernst O. Engstrom,	500 00
Charles F. Ripley,	500 00
Irving P. Gammon,	500 00
	<hr/>
	\$3,100 00

Members' expenses: —

Lucian A. Lamson,	\$259 75
Fred A. Hubbard,	408 32
Ernst O. Engstrom,	624 00
Charles F. Ripley,	190 50
Irving P. Gammon,	79 30
	<hr/>
	1,561 87

Agent, salary and expenses: —

Joseph E. Buswell, salary,	\$1,500 00
Joseph E. Buswell, expenses,	677 95
	<hr/>
	2,177 95

Stenographer, witness fees, incidental and contingent expenses: —

Bessie E. Burroughs,	\$1,000 00
New England Telephone and Telegraph Company,	33 28
	<hr/>

Amounts carried forward, \$1,033 28 \$6,839 82

Amounts brought forward, . . . \$1,033 28 \$6,839 82

Wright & Potter Printing Company, . . .	124 39	
Press Clipping Bureau, . . .	28 70	
Gilman Brothers, . . .	45 39	
C. A. French (engrosser), . . .	31 60	
J. L. Hammett Company, . . .	10 48	
Rotary Neostyle Company, . . .	6 45	
J. L. Fairbanks & Co., . . .	3 15	
Sampson & Murdock Company, . . .	6 50	
Remington Typewriter Company, . . .	3 20	
Pocket Manual Company, . . .	1 00	
National Association of Boards of Pharmacy, . .	10 00	
Dennison Manufacturing Company, . . .	6 71	
William H. Bradford, . . .	5 45	
Old Corner book store, . . .	2 50	
Bullock & Thayer, . . .	25 00	
Witness fees, . . .	87 10	
Postal supplies, . . .	94 55	
Services in examination department, . . .	17 65	
Laundry for examination department, . . .	5 13	
R. H. White Company, . . .	75	
		1,548 98
		<hr/> \$8,388 80

DECEASED PHARMACISTS.

Henry Adams, ¹ Springfield.	Edward S. Houle, Lowell.
Edward J. Bahan, Boston.	Wilbur D. McLoon, Brockton.
Charles A. Boyden, Worcester.	Andrew J. McEttrick, Boston.
Charles E. Bushee, Somerville.	Edward R. Mitchell, Worcester.
Frank A. Davidson, Boston.	Samuel M. Moore, Danvers.
Nelson A. Davis, Northampton.	Albert D. Mowry, Boston.
William L. Davis, Worcester.	Daniel J. O'Sullivan, Lawrence.
Edward A. Doherty, Boston.	Daniel Stowell, Boston.
Joseph J. Estes, Rockland.	John J. Sullivan, Lawrence.
Willis P. Fisher, Worcester.	Gedeon Therien, New Bedford.
Will B. Fitts, Somerville.	Warren B. Wilson, Mansfield.
Ralph Gorham, Lenox.	
Franklin H. Gould, North Attle- borough.	

¹ Former president of this Board.

SUMMARY (OCT. 1, 1907, TO OCT. 1, 1908).

Meetings:—

For examination,	24
For hearings, business, correction of books, etc.,	35
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Total number of meetings for the year,	59

Hearings:—

On formal complaint, charge of violation of the liquor law after conviction in court,	20
On formal complaint, charge of aiding and abetting an unregistered person in the conduct of a drug store,	10
On the revocation of certificates of fitness,	21
On petitions for reinstatement by suspended pharmacists,	8
In reference to applications for liquor certificates,	132
<hr/>	
Total number of hearings for the year,	191

Results of hearings:—

Number of certificates of registration suspended for three and one-half years,	1
Number of certificates of registration suspended for two years,	2
Number of certificates of registration suspended for one year,	5
Number of certificates of registration suspended for six months,	5
Number of certificates of registration suspended for three months,	3
Number of certificates of registration suspended for one month,	7
Number of cases placed on file,	7
Number of recommendations for sixth-class licenses revoked,	4
Number of certificates to sell intoxicating liquor only on physicians' prescriptions revoked,	5
Number of certificates to sell liquor on physicians' prescriptions voluntarily surrendered,	1
Number of suspended pharmacists reinstated,	7

Respectfully submitted,

FRED A. HUBBARD,

Secretary.

SUPPLEMENTARY REPORT.

FROM OCT. 1, 1908, TO DEC. 1, 1908.

Owing to the fact that the fiscal year of the State ends December 1, it becomes necessary for the incoming secretary to make a report for the balance of the time, to correspond with the fiscal year of the State, so that the report of the outgoing secretary together with the report of the incoming secretary covers a period of fourteen months.

Meetings for examinations have been held on dates and with results as follows:—

EXAMINATIONS.

1908.	Days.	Number examined.	Registered as Pharmacists.	Granted Assistant Certificates.	Rejected.
October 13, . .	1	15	4	5	6
October 20, . .	1	14	3	5	6
November 10, . .	1	17	1	11	5
November 23, . .	1	18	2	13	3
	4	64	10	34	20

Of the 10 candidates who passed the examinations during October and November, 1908, and were registered as pharmacists:—

2 passed on first examination.
2 passed on second examination.
1 passed on third examination.

4 passed on fifth examination.
1 passed on seventh examination.

RECIPROCITY.

STATE.	Number registered.
Connecticut,	4
Maine,	1

FEES RECEIVED FROM OCT. 1, 1908, TO DEC. 1, 1908.

For registration:—

26 fees for first examination, at \$5,	\$130 00
33 fees for re-examination, at \$3,	99 00
5 fees for reciprocal registration, at \$10,	50 00
3 fees for duplicate certificates, at \$1,	3 00
1 fee for clerical services in regard to reciprocity, at \$1,	1 00
Total amount of registration fees,	\$283 00

For liquor certificates:—

19 fees for endorsement for sixth-class licenses, at \$1,	\$19 00
18 fees for certificates of fitness, to sell intoxicat- ing liquor on physicians' prescriptions, at \$1,	18 00
Total amount of liquor certificate fees,	37 00

Total amount of fees received from Oct. 1, 1908, to Dec.
1, 1908, \$320 00

Amount of fees transmitted to the State Treasurer,	\$317 00
Refunded to rejected applicants for liquor certificates,	3 00

LIQUOR CERTIFICATES.

Number of certificates of endorsement for sixth-class licenses granted,	17
Number of certificates to sell intoxicating liquor on physi- cians' prescriptions granted,	14
Number of applications refused,	3
Number of applications pending,	3

EXPENDITURES (OCT. 1, 1908, TO DEC. 1, 1908).

Members' salaries: —

Ernst O. Engstrom, president,	\$100 00	
Charles F. Ripley, secretary,	166 66	
Lucian A. Lamson,	83 34	
Irving P. Gammon,	83 34	
Peter J. McCormick,	83 34	
		<hr/>
		\$516 68

Members' expenses: —

Ernst O. Engstrom,	\$90 20	
Charles F. Ripley,	62 70	
Lucian A. Lamson,	36 00	
Irving P. Gammon,	13 90	
Peter J. McCormick,	12 80	
		<hr/>
		215 60

Agent, salary and expenses: —

Joseph E. Bushwell, salary,	\$250 00	
Joseph E. Bushwell, expenses,	110 15	
		<hr/>
		360 15

Stenographer, witness fees, incidental and contingent expenses: —

Bessie B. Burroughs,	\$166 66	
New England Telephone and Telegraph Com- pany,	3 75	
Wright & Potter Printing Company,	2 50	
Press Clipping Bureau,	1 00	
Gilman Brothers,	6 35	
J. L. Hammett Company,	15	
J. L. Fairbanks & Co.,	1 90	
Witness fees,	5 05	
Services in examination department,	4 00	
Laundry for examination department,	75	
		<hr/>
		192 11
		<hr/>
		\$1,284 54

SUMMARY (OCT. 1, 1908, TO DEC. 1, 1908).

Meetings: —

For examination,	4
For hearings, business, correction of books,	5
	<hr/>

Total number of meetings for October and November, 9

Hearings: —

On formal complaint, charge of violation of the liquor law after conviction in court,	3
On formal complaint, charge of aiding and abetting an un-registered person in the conduct of a drug store,	3
On revocation of certificate for sixth-class license,	5
On revocation or suspension of certificates to sell on physicians' prescriptions,	3
On petition for reinstatement by suspended pharmacist, . .	1
In reference to applications for certificates of fitness, . . .	11
<hr/>	
Total number of hearings for October and November, . .	26

Results of hearings: —

Number of certificates of registration suspended for two years, .	1
Number of certificates of registration suspended for one month, .	1
Number of recommendations for sixth-class licenses revoked, .	1
Number of certificates of fitness to sell on physicians' prescriptions surrendered,	4
Number of persons given opportunity to surrender their licenses to local authorities, cases pending before the Board,	2
Number of pharmacists reinstated, having been suspended, .	1

Respectfully submitted,

CHARLES F. RIPLEY,

Secretary.

L A W S

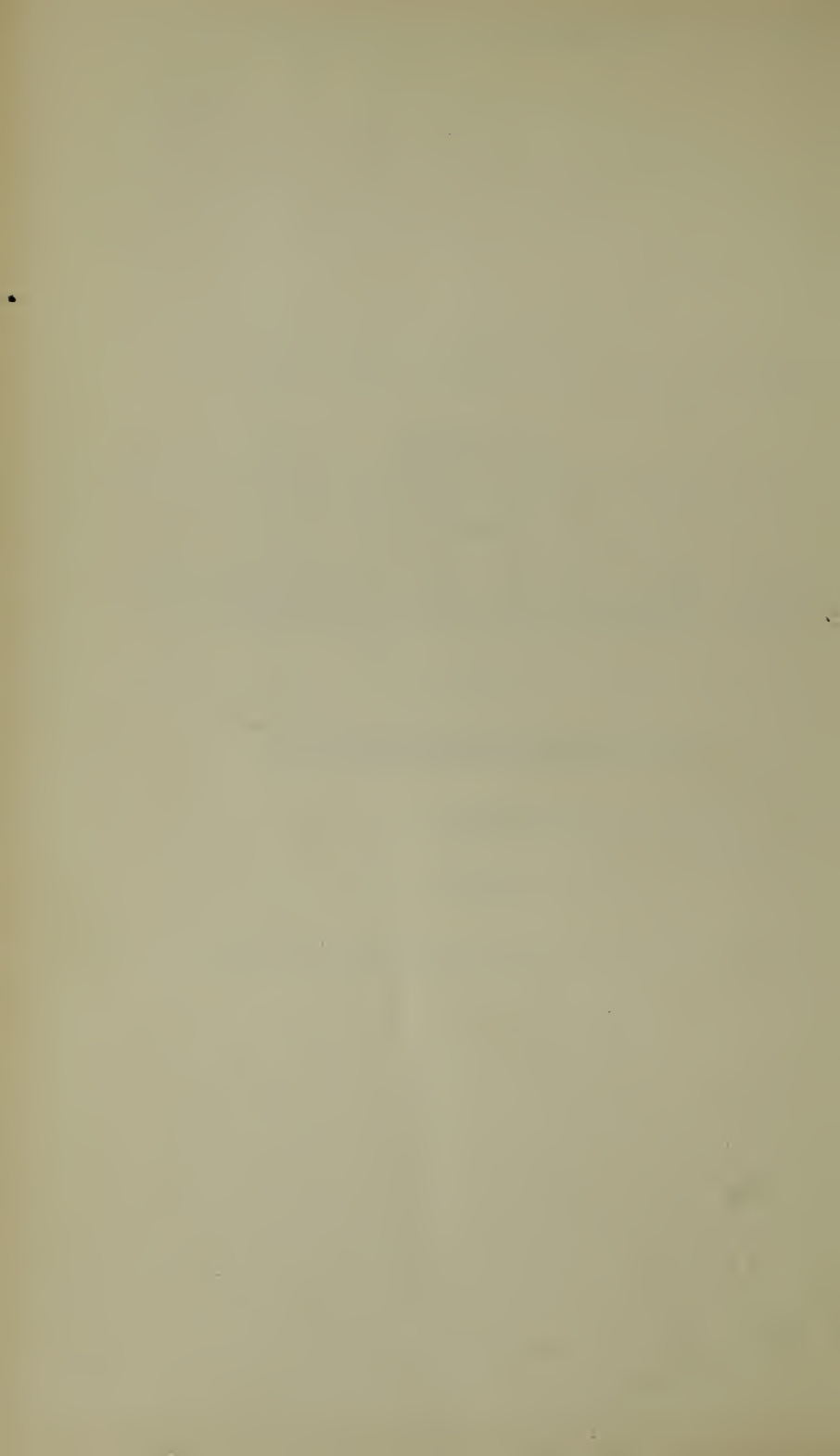
RELATING TO

THE PRACTICE OF PHARMACY

IN

MASSACHUSETTS.

1908.



LAWS RELATING TO PHARMACY.

(AS AMENDED.)

CHAPTER 76, REVISED LAWS.

REGISTRATION OF PHARMACISTS.

SECTION 10. There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in September be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of October following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years.

SECTION 11. Said board shall meet on the first Tuesday of October in each year at such time and place as it may determine, and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October, and additional meetings at such times and places as it shall determine.

SECTION 12 (as amended by chapter 505, Acts of 1902, as amended by chapter 399, Acts of 1907). The annual salary of the secretary of the board of registration in pharmacy shall be one thousand dollars, and that of the other members of the

board shall be five hundred dollars each, except that the chairman shall receive six hundred dollars. Each member of the board shall receive in addition to his salary his necessary traveling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board shall be paid out of the treasury of the commonwealth. The fees received for examination and registration of applicants before the board of registration in pharmacy shall be paid monthly by the secretary into the treasury of the commonwealth.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

SECTION 14 (as amended by chapter 525, Acts of 1908). A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. The board of registration in pharmacy may grant certificates of registration as assistants after examination upon the terms above named, but such certificates shall not allow the holder thereof to carry on the business of pharmacy. The said board may, in its discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state: *provided*, that such other state shall require a degree of competency equal to that required of applicants in this state. Every applicant for registration as a registered pharmacist shall pay to the secretary of the board the sum of ten dollars at the time of filing the application. No certificate known as the reciprocity certificate shall be granted until the person so applying shall have signified his intention of acting under the same in this commonwealth. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 16 (as amended by chapter 140, Acts of 1907). The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, the enforcement of which is under the supervision of the board of registration in pharmacy, and especially of the laws relating to the sale of intoxicating liquors; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of, or within thirty days after a conviction by a court of competent jurisdiction. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

SECTION 17 (as amended by chapter 321, Acts of 1902). If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

SECTION 18 (as amended by chapter 525, Acts of 1908). Whoever, not being registered as aforesaid, retails, compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist. Every registered pharmacist engaged in the business of pharmacy shall cause his name to appear on every sign indicating

or advertising his place of business and on every label used for medicinal preparations compounded in his place of business. No unregistered copartner shall hereafter be actively engaged in the business of pharmacy; but this provision shall not apply to those engaged in the business at the time of the enactment hereof.

SECTION 19. The board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel, shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

SECTION 23 (as amended by chapter 525, Acts of 1908). The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients: nor to the sale of drugs, medicines, chemicals or poisons at wholesale only: nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist, who may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder.

CHAPTER 100, REVISED LAWS.

GRANTING OF LICENSES BY LOCAL BOARD.

SECTION 16. The licensing board may at any time refuse to issue a license to a person whom it considers unfit to receive the same; but the provisions of this chapter shall not be so construed as to compel said licensing board to grant licenses.

CONDITIONS OF LICENSES.

SECTION 17. Each license shall be expressed, to be subject to the following conditions:—

First, That the provisions in regard to the nature of the license, and the building in which the business may be carried on under it, shall be strictly adhered to.

Second, That spirituous or intoxicating liquor shall not be sold between the hours of eleven at night and six in the morning or on the Lord's day; but if the licensee is also licensed as an innholder he may, between the hours of six in the morning and eleven at night on the Lord's day, supply such liquors to guests who have resorted to his inn for food and lodging.

Third, That spirituous or intoxicating liquor shall not be sold, exchanged or delivered, or exposed, offered or kept for sale, exchange or delivery, upon the licensed premises, unless it is of good standard quality and is free from any adulteration prohibited in the Pharmacopœia of the United States or by the laws relative to adulteration of drugs and food, for either a food or a drug. If it is marked, labelled or represented as being the product of any foreign country, it shall also be of the standard quality required for its legal sale for domestic use in the country of its reputed production. All such liquors which are sold, exchanged or delivered, or which are exposed or kept for sale, exchange or delivery, under a license of the sixth class, shall be of the quality required for their sale as drugs under the provisions of the laws relative to the adulteration of drugs and food.

Fourth, That liquor shall not be sold or delivered on the licensed premises to a person who is known to be a drunkard, to an intoxicated person, or to a person who is known to have been intoxicated within the six months last preceding, or to a minor, either for his own use, the use of his parents or of any other person, or, unless upon the prescription of a duly registered physician, to a person known to have been supported in whole or in part by public charity at any time during the twelve months last preceding the date of the license.

INTOXICATING LIQUORS, — DRUGGISTS AND APOTHECARIES.

SECTION 21 (as amended by chapter 190, Acts of 1907). Druggists and apothecaries having a sixth class license or a certificate of fitness, may sell pure alcohol for medicinal, mechanical or chemical purposes without a physician's prescription, the said sales to be recorded in the manner provided for in section twenty-six; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22. No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate of fitness prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store.

SECTION 23 (as amended by chapter 308, Acts of 1907). The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than one dollar, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. The board may, after giving a hearing to the parties interested, revoke such certificate for any cause that it may deem proper.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business in person and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, widow, executor or administrator under another registered pharmacist.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or chemical purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows:—

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
-------	--------------------------	------------	--------------------------	-----------------------	--------	--------------------------

The certificate mentioned in the preceding section shall be a part of said book, and shall not be detached therefrom, and shall be in form substantially as follows:—

Certificate.

I wish to purchase.....
and I certify that I am not a minor and that the same is to be used for
* Mechanical * Chemical * Medicinal purposes. [* Draw a line
through the words which do not indicate the purpose of the purchase.]

Signature

Cancelled

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and in all other cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.

SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten of chapter two hundred and twenty shall not apply to such sentence.

TRANSFER OF LICENSES.

SECTION 44. Licensing boards may transfer licenses from one location to another within the city or town in which such licenses are in force; but such transfer shall be granted only to the original licensee, and like notice shall be given, the same provisions shall apply, and other proceedings shall be the same as are required upon the granting of licenses, except that no new license fee shall be required.

FORFEITURE OF LICENSE.

SECTION 47 (as amended by chapter 108, Acts of 1908). The licensing board, after notice to the licensee and reasonable opportunity for him to be heard by them or by a committee of the mayor and aldermen or selectmen, if the license was granted by them, may declare his license forfeited, or may suspend his license for such period of time as they may deem proper, upon satisfactory proof that he has violated or permitted a violation of any condition thereof, or any law of the commonwealth. The pendency of proceedings before a court or justice shall not suspend or interfere with the power herein given to decree a forfeiture. If the license is declared to have been forfeited, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so forfeited, and if he is the owner of the premises described in such forfeited license, no license shall be issued to be exercised on said premises for the residue of the term thereof.

CHAPTER 281, ACTS OF 1906.

AN ACT RELATIVE TO THE SALE OF INTOXICATING LIQUORS BY
REGISTERED PHARMACISTS.

Be it enacted, etc., as follows:

SECTION 1. In any city or town in which licenses for the sale of intoxicating liquors of the first five classes are not granted, registered pharmacists to whom a certificate of fitness has been issued as provided for by section two of this act, may sell intoxicating liquors upon the prescription of a registered physician practising in such city or town, provided that the prescription is dated, contains the name of the person prescribed for, and is signed by the physician. All such prescriptions shall be retained and kept on file in a separate book by the pharmacist filling the same, and shall not be filled a second time. Such prescription book shall be open at all times to the inspection provided for in section twenty-seven of chapter one hundred of the Revised Laws.

SECTION 2. The board of registration in pharmacy may, upon the payment by each applicant of a fee of not more than one dollar, issue to registered pharmacists certificates of fitness as provided for in section twenty-three of said chapter one hundred. Such certificates of fitness shall be subject to suspension or revocation by the board of registration in pharmacy, or by the licensing authorities of such cities and towns.

SECTION 3. Whoever violates any provision of this act shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 14, 1906.

CHAPTER 213, REVISED LAWS.

OF CRIMES AGAINST THE PUBLIC HEALTH.

SECTION 2. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on

rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words *Poison* and *Antidote*, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken packages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines or trees, except that he shall record each sale and label each package sold, as above provided.

CHAPTER 220, ACTS OF 1905.

AN ACT RELATIVE TO WOOD ALCOHOL.

Be it enacted, etc., as follows:

SECTION 1. Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers any wood alcohol, otherwise known as methyl alcohol, shall affix to the vessel containing the same and shall deliver therewith a label bearing the words "Wood Alcohol, Poison", in black letters of uncondensed Gothic type not less than one-fourth of an inch in height. Whoever violates the provisions of this section shall pay a fine of not less than fifty dollars nor more than two hundred dollars.

SECTION 2. Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or de-

livers, or has in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, shall be punished by a fine of not less than two hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Approved March 27, 1905.

CHAPTER 259, ACTS OF 1907.

AN ACT RELATIVE TO THE LABELLING OF CERTAIN PATENT OR PROPRIETARY DRUGS AND FOODS.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and eighty-six of the acts of the year nineteen hundred and six is hereby amended by striking out section one and inserting in place thereof the following:—*Section 1.* Upon every package, bottle or other receptacle holding any proprietary or patent medicine, or any proprietary or patent food preparation, which contains alcohol, morphine, codeine, opium, heroin, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances, shall be marked or inscribed a statement on the label of the quantity or proportion of each of said substances contained therein. The size of type in which the names of the above substances shall be printed on the labels as above, shall not be smaller than eight point (brevier) caps: *provided*, that in case the size of the package will not permit the use of eight point cap type the size of the type may be reduced proportionately. The provisions of section nineteen of chapter seventy-five of the Revised Laws, so far as they are consistent herewith, shall apply to the manner and form in which such statements shall be marked or inscribed.

SECTION 2. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber or manufacturer residing in this Commonwealth, from whom he purchases such articles, to the effect that the same is not misbranded within the meaning of this act, designating it. Such guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer; and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.

SECTION 3. Section two of chapter three hundred and eighty-six of the acts of the year nineteen hundred and six is hereby repealed.

SECTION 4. This act shall take effect on the first day of March in the year nineteen hundred and eight.

Approved March 29, 1907.

CHAPTER 307, ACTS OF 1908.

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF COCAINE
AND ARTICLES CONTAINING COCAINE.

Be it enacted, etc., as follows:

SECTION 1. It shall be unlawful for any person, firm or corporation to manufacture any so-called catarrh powder or catarrh cure, or any patent or proprietary preparation containing cocaine, or any of its salts, or alpha or beta eucaine, or any of their salts, or any synthetic substitute for the aforesaid.

SECTION 2. It shall be unlawful for any person, firm or corporation to sell, exchange, deliver, expose for sale, give away or have in his possession or custody with intent to sell, exchange, deliver, or give away, in any street, way, square, park or other public place, or in any hotel, restaurant, liquor saloon, barroom, public hall, place of amusement, or public building any cocaine or any of its salts, or any alpha or beta eucaine, or any of their salts, or any synthetic substitute for the aforesaid, or any preparation containing any of the same.

SECTION 3. It shall be unlawful for any pharmacist or other person employed or serving in a pharmacy, drug store or apothecary shop, to the proprietor of which a written notice has been sent by registered mail by an officer or employee of the state board of health stating that any patent or proprietary medicine or article, naming the same, contains cocaine or any of its salts, or any alpha or beta eucaine, or any of their salts, or any synthetic substitute for the aforesaid, thereafter to sell any such medicine or article.

SECTION 4. Whoever violates any provision of this act shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year in a county jail or house of correction, or by both such fine and imprisonment.

Approved March 27, 1908.

CHAPTER 72, ACTS OF 1908.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the purposes specified, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eight, to wit: —

For the salaries of the members of the board of registration in pharmacy, thirty-one hundred dollars.

For travelling and other expenses of the members of the board, a sum not exceeding seventeen hundred and twenty-five dollars.

For the salary and expenses of the agent of the board, a sum not exceeding twenty-four hundred dollars.

For a stenographer, witness fees and incidental and contingent expenses of the board, the same to include the printing of the annual report, a sum not exceeding fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1908.

TWENTY-FOURTH ANNUAL REPORT

OF THE

MASSACHUSETTS

BOARD OF REGISTRATION IN PHARMACY,

FOR THE

YEAR ENDING NOVEMBER 30, 1909.



BOSTON:

WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.

1910.

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DEC 31 1909

STATE HOUSE, BOSTON.

APPROVED BY
THE STATE BOARD OF PUBLICATION.

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NAMES OF BOARD AND OFFICERS.

ERNST O. ENGSTROM, *President.*

CHARLES F. RIPLEY, *Secretary.*

LUCIAN A. LAMSON.

IRVING P. GAMMON.

PETER J. McCORMICK.

JOSEPH E. BUSWELL, *Agent.*

The Commonwealth of Massachusetts.

REPORT.

To His Excellency EBEN S. DRAPER, *Governor*.

SIR:—In compliance with the laws of the Commonwealth, the Board of Registration in Pharmacy has the honor to submit the following report.

There are, as near as can be ascertained, 1,674 drug stores in the State at the present time.

The condition of the trade from a financial standpoint shows a slight improvement over the past year, and there is a tendency for improved and larger stores.

The Board has been called upon to interpret and establish rulings as regards the law passed June, 1908, regulating the manner in which the pharmacy business shall be conducted, and undoubtedly the law will prove satisfactory.

Referring to the financial statement, it is a great pleasure to say that for the first time in the history of the Board it has been more than self-sustaining. The fees transmitted to the State Treasurer this year have exceeded all expenses of the Board by \$1,248.51.

The examinations of candidates to practise pharmacy have been kept up to a high standard.

The law passed June, 1908, allowing the Board to issue assistant certificates, has undoubtedly been an incentive to applicants, as the Board has examined more candidates than ever before and 100 more than last year.

The Board has a great many inquiries as to what the requirements are to pass an examination, and we take pleasure in submitting a statement in outline of what is expected of the candidates. We also submit a few typical questions

and a description of practical and oral tests used in the past year in these examinations.

The State Board of Health has done good work in prosecuting and convicting a few unscrupulous druggists for the sale of cocaine; and the question has been raised whether the Board of Pharmacy should take any action in accordance with section 17, chapter 76, in suspending the certificate of registration in pharmacy of a pharmacist found guilty by a court of law for violating a law which is under the supervision of the Board of Health.

In order to strengthen the State Board of Health in this work and make the law clear as to our duty in such cases, we would recommend that the words "the enforcement of which is under the supervision of the board of registration in pharmacy," in section 16, chapter 76, be stricken out.

We would recommend that a list of non-poisonous, domestic remedies, usually sold by grocers and others, should be designated in connection with the law allowing the sale of the same.

The Board continues to believe that there is no necessity for a druggist to furnish a bond for the exercise of a sixth-class license, as conditions surrounding such licenses are not of the same nature as surrounds the first five classes of liquor licenses.

By the operation of the law that precludes reappointment, the term of Dr. Lucian A. Lamson expires with this report. Dr. Lamson has filled the office of president of the Board, and has given to the public and to the uplifting of the profession of pharmacy his earnest and conscientious efforts, and it is with deep regret that we have to part with his valuable assistance.

Respectfully submitted,

ERNST O. ENGSTROM.

CHARLES F. RIPLEY.

L. A. LAMSON.

IRVING P. GAMMON.

PETER J. McCORMICK.

REPORT OF COMMITTEE TO NATIONAL ASSOCIATION OF BOARDS OF PHARMACY.

To the Members of the Massachusetts State Board of Pharmacy, Boston.

As representative of the Massachusetts Board at the Convention of the National Association of Boards of Pharmacy at Los Angeles, August 18 to 22, I beg to submit the following report.

The official train left Chicago Tuesday, August 10, at 8 o'clock P.M. Four members of the executive committee were on board, and it enabled us to do a large amount of work in arranging the details for the meeting, completing our reports and finishing all other business which was to come before our committee.

Monday, August 16, was the first session. The meeting was very enthusiastic. Idaho was added as an active member. The president's address was read, Mr. Fred A. Hubbard, a former member of the Massachusetts Board of Pharmacy, presiding. The reports of the different committees were submitted. A full detail of the proceedings will be printed and sent to each member of the association.

I reported as chairman for two committees, — the executive and syllabus committees. The syllabus committee, composed of twenty-one members from all parts of the United States, is an outgrowth of a request from New York State education department and boards of pharmacy, asking the National Association of Boards of Pharmacy to select seven men to aid them in formulating a syllabus for all schools or colleges of pharmacy in the United States, which would give an outline of the minimum requirements of instruction to be given by a school, qualifying it as competent to issue diplomas to pharmacy students. The graduation prerequisite clause in the law of New York State went into effect in

1905, and no positive standard has yet been accepted for what constitutes a college or school of pharmacy, but the syllabus committee hopes to complete its labors by next May. On this syllabus committee Professor Rusby of Columbia College, New York, is chairman of the sub-committee on materia medica; Professor Beal of Scio, O., of the sub-committee on pharmacy; and E. O. Engstrom of Massachusetts of the sub-committee on chemistry. It has required a great deal of time and labor to complete this work, and when it is completed it will not alone aid New York State or other States which have prerequisite graduation requirements in their laws governing applicants for examination as pharmacists, but will aid every State board of pharmacy in compiling their questions for examination. So far it is a book of 118 pages, and the complete issue will be about 150 pages.

The experience meeting, which was held Tuesday afternoon, was very interesting, as a delegate from each State gave an outline of his work; and I feel sure we all can profit by each other's experience, and become familiar with the different methods and work performed by other boards.

The general opinion was expressed that there is a scarcity of clerks; and the solution seemed to be to encourage a larger number of young men to qualify as assistant pharmacists. It was also stated that we have in the United States several times as many retail drug stores in proportion to the population as any other country in the world.

President Lillie recommended that high school and college graduation, with five years' experience in a drug store, should be demanded for full registration. This recommendation was somewhat modified by the committee on the president's address, and the National Association simply accepted this portion of the address as a recommendation for consideration by the boards, but too early for adoption.

The majority of the members expressed their belief that the qualifications demanded of a proprietor or manager of a store should be continually increased, and should be as much greater than those required of his assistant as the employer's responsibility is greater than that of his employee.

It was stated very plainly that it was entirely optional with the Board to whom application was made for a reciprocal certificate of registration to refuse or issue such certificate, even if such a Board was an active member of the National Association of Boards of Pharmacy, and the applicant was registered before an active member of the association.

I was appointed chairman of the committee of nomination, member of the committee on president's address, and retained as chairman of the executive committee and syllabus committee for this year. Mr. P. J. McCormick of the Massachusetts Board was appointed a member of the legislative committee.

I should certainly recommend that we continue our membership in this association, and that one or two of the members of our board who have a longer term to serve than myself should represent the Massachusetts State Board of Pharmacy next May at Richmond, Va., when the 1910 meeting will be held.

Respectfully submitted,

ERNST O. ENGSTROM.

OUTLINE OF EXAMINATION REQUIREMENTS.

Applicants for registered pharmacist certificates should have at least four years of practical experience in a retail drug store, under the supervision of a registered pharmacist.

One-half of actual time of attendance at any reputable college of pharmacy or employment in a dispensary or pharmaceutical manufacturing laboratory will be accredited on the above required experience.

The applicant must be at least twenty-one years of age, and have a general knowledge equal to the knowledge required for the first year in a high school. This is necessary in order to answer questions intelligently.

Applicants for assistant pharmacist certificates should have at least three years of practical experience in a retail drug store, and be at least nineteen years of age.

The Board has granted assistant certificates to applicants for registration in pharmacy who have failed to attain the required 75 per cent. general average, but who have acquired a general average of 50 per cent. and not less than 60 per cent. in dispensing.

The Board, being instituted to safeguard the people of this Commonwealth against incompetent and unsafe pharmacists, has tried to conduct the examinations in such a manner that they may test the candidate's knowledge rather than his memory. Unsafe persons are not only the ignorant, but also those who have acquired a superficial knowledge by quiz compends or attendance at incompetent schools, without receiving instruction in practical application.

The examination consists in answering written questions

pertaining to pharmacy, pharmaceutical chemistry and materia medica.

Pharmacy covers the subjects of pharmaceutical arithmetic; pharmaceutical Latin; manufacturing pharmacy; dispensing pharmacy; theory and practice of pharmacy; pharmaceutical jurisprudence.

TYPICAL QUESTIONS, — SUBJECT OF PHARMACY.

1. Glycērite of the phosphates of iron, quinine and strychnine contains 0.8 gm. of strychnine in 1,000 c.c. How much strychnine is there in a teaspoonful of this preparation?

2. Having bought 5 gallons of witch hazel, which upon examination shows to contain 13 per cent. alcohol by volume, how much alcohol 95 per cent. would you add to bring it up to U. S. P. standard of 15 per cent?

3. Write out in full the Latin and give the meaning in English of the following abbreviations used in prescriptions: (a) Ejusd; (b) Ft. cataplasma; (c) Non rep.; (d) Pulv. subt.; (e) Agit.

4. What three causes may make liquor plumbi subacetatis below strength?

5. In making aromatic spirit of ammonia, why is it necessary to use translucent crystals of carbonate of ammonia?

6. What should be the rate of flow of the percolate indicated in drops per minute when the U. S. P. directs "allow the percolation to proceed slowly"?

7. Why is it necessary to dispense nitrate of silver and permanganate of potassium in *distilled* water?

8. Define or describe what you understand by the following pharmaceutical terms: (a) Granulation; (b) Torrefaction; (c) Calcination; (d) Maceration; (e) Dialysis.

9. What chemicals increase the solubility of phosphate of soda in water?

10. What is the law regarding the labelling of non-official preparations sold in drug stores not on a physician's prescription?

Pharmaceutical chemistry covers the subjects of: elementary physics; general and elementary chemistry; inorganic and organic pharmaceutical chemistry; quantitative and qualitative analysis; pharmaceutical assaying.

TYPICAL QUESTIONS, — SUBJECT OF CHEMISTRY.

1. Give an outline description of the different appliances used in pharmacy to produce and modify heat.

2. Explain the theory of freezing mixtures, and give an example.

3. Name the metals of the alkaline earths, and give some of their common characteristics.
4. What is the chemical difference as to the valence of iron in the ferrous and ferric salts?
5. Explain the reaction, and show either by equation or detailed description how the solution of zinc chloride is prepared from granulated zinc.
6. What is acetone chemically, and what are its uses in pharmacy?
7. What are volumetric solutions described in the U. S. P., and how are they made?
8. How would you distinguish gallic acid from tannic acid by a chemical test?
9. Name six drugs which the U. S. P. directs to be assayed to determine their alkaloidal strength.
10. What is Mayer's reagent? Is it necessary to remove all alcohol, ether and chloroform before applying this test? If so, explain the reason for it.

Materia medica covers the subjects of: physiology; botany; pharmacognosy; pharmaco and therapy dynamics; toxicology and posology.

TYPICAL QUESTIONS, — SUBJECT OF MATERIA MEDICA.

1. What is physiology, and why should a pharmacist have some knowledge of the same?
2. Describe the structure of a flower.
3. Name three different kinds of roots, and give example and description of each.
4. Describe eucalyptus. Give botanical name, habitat, parts used and active constituents.
5. Name four adulterants commonly found in gum asafœtida.
6. What other drugs have practically the same physiological effect as stramonium, and what are the symptoms in case of poisoning by them?
7. What are enzymes? From what is pepsin obtained?
8. Name four active cathartic drugs, and state to what they owe their cathartic properties.
9. What alkaloids are found in nux vomica?
10. State how you would treat a case of poisoning by morphine (antidote; how much to administer, etc.).

The candidate must thoroughly have studied the United States Pharmacopœia, National Formulary and such text-books as will enable him to understand the meaning of words and terms contained therein; also the theory, definitions, fundamental principles and chemical and physical laws

which govern the preparations he, as a pharmacist, may be called upon to dispense.

The applicant must be able to read and translate physicians' prescriptions, to point out incompatibilities, to correct errors in doses and describe methods in compounding, to know the sources of drugs, their Latin and English names, habitat, classification, medicinal preparations, antidotes and emergency treatment in cases of poisoning.

The applicants for assistant pharmacist certificates do not need to take the written examination unless they so desire.

The practical and oral examinations demonstrate the candidates' ability to apply their knowledge, and is conducted in the following manner:—

Five prescriptions, taken from the files of drug stores in the State, which require different methods of preparing, are submitted to the candidate. Constant watch is kept on the candidates as to weighing, measuring, methods of procedure in compounding, neatness, etc.

TYPICAL PRESCRIPTIONS TO BE COMPOUNDED.

Pasta Zinci Mollis.

R _x	Zinc Oxide	3 ii
	Calcium Carbonate	3 ii
	Linseed Oil	3 ii
	Lime Water	3 ii
	M make ointment.	

Emulsum Petrolei.

R _x	Petrolatum Album (U. S. P.)	5.
	Expressed Oil of Almond	25.
	Acacia	5.
	Tragacanth	2.5
	Syrup (U. S. P.)	10.
	Tincture of Lemon Peel	1.5
	Water, a sufficient quantity	100.

Elixir Acidi Salicylici.

R _x	Salicylic Acid	8.5
	Potassium Citrate	12.5
	Glycerin	50.
	Aromatic Elixir (U. S. P.) q. s.	100.
	M et ft. solution.	

Pills of Aloes and Iron.

R

Aloes	gr. viii
Ferri Reducti	gr. xii
M et Ft. Pil. No. viii	

R

Resorein	gr. vi
Salol	gr. vi
Bismuth Subgallate	gr. xii
M et Ft. Capsules No. vi	

The oral examination is conducted as follows:—A number of prescriptions are submitted to candidates for criticism, corrections of doses, detection of incompatibilities with description of the method of dispensing and labelling same.

TYPICAL PRESCRIPTIONS USED IN ORAL EXAMINATION.

R

Sol. Hydrarg. Chlor. Cor. 1%	℥ iv
M Sig. — External use.	
Poison.	

R

Tr. Ferri Chlor.	℥ ss
Syr. Hypophos. Co. (U. S. P.)	℥ vi
M Sig. — 3 i t. i. d.	

R

Camphoræ	2.
Olei Theobromatis	q. s.
M Ft. supposit. No. vi pro recto.	
Sig. — Camphor suppositories.	

R

Hydrarg. Chlor. Cor.	grs. xvi
Collodii	℥ iv
M Sig. — Apply as directed with brush.	

R

Zinci Oxidi	℥ ii
Spt. Camphoræ	℥ iii
Liq. Plumbi Subacetatis	℥ iss
Glycerini	℥ ss
Aquæ	℥ viii
M Ft. Lotio.	
Sig. — External use.	

In conducting the oral examination on the United States Pharmacopœia and National Formulary, the Board allows the candidates free access to these books. The questions are intended to bring out the candidate's knowledge of the meaning of the words used in the description of drugs; as, for example, the words "dextrogyrate" and "ketone" under camphor, "strobiles" under hops, "mericarp" under fennel, etc.; also, to call attention to the U. S. P. processes, the candidate being asked to explain reasons why certain precautions are given.

TYPICAL QUESTIONS.

Solution of Chloride of Iron.

What is formed when hydrochloric acid is poured upon the iron wire?

Why is an extra quantity of hydrochloric acid added, and also nitric acid?

What is the cause of the black color mentioned?

What objection would there be to allowing this to remain when you used the solution to make the tincture?

Yellow Mercurous Iodide.

The U. S. P. states, "Pour the solution of potassium iodide into the solution of mercurous nitrate." What would happen if you reversed this procedure?

Chlorate of Potassium.

Why does the U. S. P. state, "Great caution should be observed in handling it," etc.?

Another portion of the oral examination covers the subject of materia medica. One or more drugs are taken up for description, habitat, part of plant used, active constituents, medicinal preparations, action, uses and doses. The candidates are requested to give an outline of the emergency treatment in cases of poisoning, including a detailed description of what antidotes to use and how they should be administered.

TYPICAL QUESTIONS.

Rhubarb.

How does it appear in commerce?

Where does it grow?

What part of the plant is used?

What are the active constituents?

Name the U. S. P. preparations.

What are its medicinal properties?

Give the doses of the drug and its preparations.

Opium.

What would you do if you were called upon to give an antidote in a case of poisoning by this drug?

Why is coffee useful as an antidote?

How much potassium permanganate would you give as an antidote in case of poisoning by morphine? How often would you give it?

SECRETARY'S REPORT.

Meetings for examinations have been held on dates and with results as follows: —

EXAMINATIONS.

1908-09.	Days.	Number examined.	Registered as Pharmacists.	Granted Assistant Certificates.	Re- jected.
December 8,	1	14	3	9	2
December 28,	1	17	4	6	7
January 5,	1	11	4	4	3
January 25,	1	19	9	7	3
February 9,	1	18	2	10	6
February 23,	1	17	4	7	6
March 2,	1	15	5	7	3
March 9,	1	16	5	8	3
March 16,	1	16	3	9	4
March 23,	1	18	4	10	4
March 29,	1	14	—	10	4
April 26,	1	14	5	3	6
May 10,	1	15	6	5	4
May 17,	1	16	8	4	4
May 18,	1	18	5	11	2
May 24,	1	18	5	5	8
June 7,	1	19	5	9	5
June 8,	1	18	2	10	6
June 14,	1	18	3	9	6
June 15,	1	18	6	4	8
June 21,	1	17	4	6	7
June 29,	1	20	7	2	11
June 30,	1	17	5	8	4
September 14,	1	14	1	6	7
September 21,	1	13	—	3	10
October 5,	1	17	8	6	3
October 12,	1	16	4	6	6
October 19,	1	15	4	5	6
November 9,	1	14	1	4	9
November 23,	1	19	3	5	11
	30	491	125	198	168

Of the 125 candidates who passed the examinations and were registered as pharmacists: —

28 passed on first examination.	6 passed on sixth examination.
24 passed on second examination.	3 passed on seventh examination.
32 passed on third examination.	1 passed on eighth examination.
19 passed on fourth examination.	2 passed on tenth examination.
10 passed on fifth examination.	

RECIPROCITY.

STATE.	Number registered.
Arizona,	1
Connecticut,	3
Florida,	1
Maine,	9
New Hampshire,	10
Oregon,	1
Vermont,	4

FEES.

Registration fees received:—

504 fees for first examination, at \$5, . . .	\$1,020 00
291 fees for re-examination, at \$3, . . .	873 00
31 fees for reciprocal registration, at \$10, . .	310 00
11 fees for duplicate certificates, at \$1, . .	11 00
25 fees for clerical services relating to reciprocity, at \$1,	25 00
Total amount of registration fees, . . .	\$2,239 00

Fees received for liquor certificates:—

63 fees at \$1, certificates for balance of license year ending April 30, 1909, . . .	\$63 00
1,531 fees at \$5, certificates for license year ending April 30, 1910,	7,655 00
Total amount of liquor fees,	7,718 00

Total amount of fees received during the year, . . . \$9,957 00

Amount of fees transmitted to the State Treasurer, . . . \$9,681 00

Refunded to applicants:—

To applicant cancelling right of examination,	\$5 00	
To rejected applicant for reciprocal registration,	10 00	
To rejected applicants for liquor certificates, at \$1,	16 00	
To rejected applicants for liquor certificates, at \$5,	245 00	
Total amount refunded,	<u>276 00</u>	\$276 00
Total payment of fees,		<u>\$9,957 00</u>

APPLICATIONS FOR LIQUOR CERTIFICATES FOR BALANCE OF LICENSE
YEAR ENDING APRIL 30, 1909.

Certificates for sixth-class licenses granted,	. . . . .	30
Certificates of fitness (chapter 281, Acts of 1906) granted,	. . . . .	17
Certificates for sixth-class licenses refused,	. . . . .	8
Certificates of fitness (chapter 281, Acts of 1906) refused,	. . . . .	8

APPLICATIONS FOR LIQUOR CERTIFICATES (TO DATE) FOR LICENSE
YEAR ENDING APRIL 30, 1910.

Certificates for sixth-class licenses granted,	. . . . .	944
Certificates of fitness (chapter 281, Acts of 1906) granted,	. . . . .	534
Certificates for sixth-class licenses refused,	. . . . .	24
Certificates of fitness (chapter 281, Acts of 1906) refused,	. . . . .	25
Applications pending action by the Board,	. . . . .	4

EXPENDITURES.

Members' salaries:—

Ernst O. Engstrom, president,	\$600 00
Charles F. Ripley, secretary,	1,000 00
Lucian A. Lamson,	500 00
Irving P. Gammon,	500 00
Peter J. McCormick,	500 00
	<hr/> \$3,100 00

Members' expenses:—

Ernst O. Engstrom (board meetings), . . .	\$477 80
Ernst O. Engstrom (National Convention), .	247 50
Charles F. Ripley,	381 70
Lucian A. Lamson,	232 00
Irving P. Gammon,	82 60
Peter J. McCormick,	84 10
	<hr/> 1,505 70

Agent, salary and expenses:—

Joseph E. Buswell, salary,	.	.	.	.	\$1,500 00
Joseph E. Buswell, expenses,	.	.	.	.	632 59
					<hr/> 2,132 59

Stenographer, witness fees, incidental and
contingent expenses:—

Bessie B. Burroughs,	\$1,000 00
Wright & Potter Printing Company, . . .	249 89
New England Telephone and Telegraph Com- pany,	15 96
Press Clipping Bureau,	20 20
Gilman Brothers,	53 79
C. A. French (engrosser),	80 55
Florence M. Leyser (clerical assistance), .	15 00
Helen Butler (clerical assistance), . . .	16 50
J. L. Hammett Company,	13 05
National Association of Boards of Pharmacy, .	13 06
Sampson & Murdock,	6 50
J. L. Fairbanks & Co.,	11 73
Remington Typewriter Company,	2 65
Dennison Manufacturing Company, . . .	12 97
O. S. Currier & Son,	11 25
Neostyle Company,	1 00
Pocket Manual Company,	2 00
Witness fees,	9 95
Postage,	116 84
Services in laboratory,	30 95
Sundry laboratory supplies,	5 10
Laboratory laundry,	4 26
Key Lox Manufacturing Company,	1 00
	<hr/>
	1,694 20
	<hr/>
	\$8,432 49

DECEASED PHARMACISTS.

Henry C. Bispham, South Boston.	John H. Manning. ¹ Pittsfield.
Edward V. Bouchard, East Brookfield.	William P. McManus, Pittsfield.
Lucian W. Brown, Gardner.	Christopher C. Merritt, Spring- field.
Charles E. Carter, Lowell.	Thomas H. Murray, Hudson.
William E. Cates, Worcester.	William A. Pease, New Bedford.
Augustine Cunningham, Cam- bridge.	Charles Peters, Taunton.
Michael F. Flynn, Haverhill.	Julius E. Richardson, Somer- ville.
Arthur B. Greenwood, Brockton.	William J. Rooney, Boston.
Gorham D. Gilman, Boston.	Marion Rudolph, Waltham.
Arthur B. Grover, Somerville.	Mark Sanborn, Swampscott.
Chancey E. Hubbell, Boston.	Gedeon Therien, New Bedford.
Edward H. Langdon, Danvers.	Isaac W. Thomas, New Bedford.
Leon J. Laporte, Holyoke.	John W. Whitaker, Fall River.

¹ Former member of this Board.

SUMMARY.

Meetings: —

For examinations,	30
For hearings, business, etc.,	20
<hr/>	
Total number of meetings,	50

Hearings: —

On formal complaint, charge of violation of the liquor law after conviction in court,	20
On formal complaint, charge of aiding and abetting an unregistered person in the conduct of a drug store,	3
On suspension or revocation of liquor certificates,	17
On petitions for reinstatement by suspended pharmacists,	4
In reference to applications for liquor certificates,	108
<hr/>	
Total number of hearings,	152

Results of hearings: —

Number of certificates of registration suspended for two years,	2
Number of certificates of registration suspended for one year,	1
Number of certificates of registration suspended for six months,	3
Number of cases placed on file,	14
Number of certificates (chapter 281, Acts of 1906) revoked,	1
Number of certificates (chapter 281, Acts of 1906) suspended,	7
Number of sixth-class licenses surrendered to local authorities,	8
Number of certificates (chapter 281, Acts of 1906) surrendered,	4
Number of suspended pharmacists reinstated,	5

Respectfully submitted,

CHARLES F. RIPLEY,
Secretary.

L A W S

RELATING TO

THE PRACTICE OF PHARMACY

IN

MASSACHUSETTS.

1909.

LAWS RELATING TO PHARMACY.

(AS AMENDED.)

CHAPTER 76, REVISED LAWS.

REGISTRATION OF PHARMACISTS.

SECTION 10 (as amended by chapter 261, Acts of 1909). There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in November be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of December following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years. The members of said board at the time of the enactment hereof, and any member thereafter appointed to fill a vacancy, who are holding office at the expiration of their official terms, shall continue in office until the first day of December following.

SECTION 11 (as amended by chapter 261, Acts of 1909). Said board shall meet on the first Tuesday of December in each year at such time and place as it may determine, and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October, and additional meetings at such times and places as it shall determine.

SECTION 12 (as amended by chapter 505, Acts of 1902, as amended by chapter 399, Acts of 1907). The annual salary of the secretary of the board of registration in pharmacy shall be one thousand dollars, and that of the other members of the board shall be five hundred dollars each, except that the chairman shall receive six hundred dollars. Each member of the board shall receive in addition to his salary his necessary traveling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board shall be paid out of the treasury of the commonwealth. The fees received for examination and registration of applicants before the board of registration in pharmacy shall be paid monthly by the secretary into the treasury of the commonwealth.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

SECTION 14 (as amended by chapter 525, Acts of 1908). A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. The board of registration in pharmacy may grant certificates of registration as assistants after examination upon the terms above named, but such certificates shall not allow the holder thereof to carry on the business of pharmacy. The said board may, in its discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state: *provided*, that such other state shall require a degree of competency equal to that required of applicants in this state. Every applicant for registration as a registered pharmacist shall pay to the secretary of the board the sum of ten dollars at the time of filing the application. No certificate known as the reciprocity certificate shall be granted until the person so applying shall have signified his intention of acting under the same in this commonwealth. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 16 (as amended by chapter 140, Acts of 1907). The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, the enforcement of which is under the supervision of the board of registration in pharmacy, and especially of the laws relating to the sale of intoxicating liquors; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of, or within thirty days after a conviction by a court of competent jurisdiction. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

SECTION 17 (as amended by chapter 321, Acts of 1902). If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. (Chapter 261, section 5, Acts of 1909: The board may suspend the certificate of registration of a registered pharmacist, who, in its judgment, is a menace to the public by reason of the improper use of intoxicating liquor or drugs, such suspension to be made only after a hearing, and by the unanimous vote of all the members of the board.) The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

SECTION 18 (as amended by chapter 525, Acts of 1908). Whoever, not being registered as aforesaid, retails, compounds

for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist. Every registered pharmacist engaged in the business of pharmacy shall cause his name to appear on every sign indicating or advertising his place of business and on every label used for medicinal preparations compounded in his place of business. No unregistered copartner shall hereafter be actively engaged in the business of pharmacy: but this provision shall not apply to those engaged in the business at the time of the enactment hereof.

SECTION 19. The board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel, shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

SECTION 23 (as amended by chapter 525, Acts of 1908). The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist, who may also be considered qualified to

receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder.

CHAPTER 100, REVISED LAWS.

GRANTING OF LICENSES BY LOCAL BOARD.

SECTION 16. The licensing board may at any time refuse to issue a license to a person whom it considers unfit to receive the same; but the provisions of this chapter shall not be so construed as to compel said licensing board to grant licenses.

CONDITIONS OF LICENSES.

SECTION 17. Each license shall be expressed, to be subject to the following conditions: —

First, That the provisions in regard to the nature of the license, and the building in which the business may be carried on under it, shall be strictly adhered to.

Second, That spirituous or intoxicating liquor shall not be sold between the hours of eleven at night and six in the morning or on the Lord's day; but if the licensee is also licensed as an innholder he may, between the hours of six in the morning and eleven at night on the Lord's day, supply such liquors to guests who have resorted to his inn for food and lodging.

Third, That spirituous or intoxicating liquor shall not be sold, exchanged or delivered, or exposed, offered or kept for sale, exchange or delivery, upon the licensed premises, unless it is of good standard quality and is free from any adulteration prohibited in the Pharmacopœia of the United States or by the laws relative to adulteration of drugs and food, for either a food or a drug. If it is marked, labelled or represented as being the product of any foreign country, it shall also be of the standard quality required for its legal sale for domestic use in the country of its reputed production. All such liquors which are sold, exchanged or delivered, or which are exposed or kept for sale, exchange or delivery, under a license of the sixth class, shall be of the quality required for their sale as drugs under the provisions of the laws relative to the adulteration of drugs and food.

Fourth, That liquor shall not be sold or delivered on the licensed premises to a person who is known to be a drunkard, to an intoxicated person, or to a person who is known to have been intoxicated within the six months last preceding, or to a minor, either for his own use, the use of his parents or of any other

person, or, unless upon the prescription of a duly registered physician, to a person known to have been supported in whole or in part by public charity at any time during the twelve months last preceding the date of the license.

INTOXICATING LIQUORS, — DRUGGISTS AND APOTHECARIES.

SECTION 21 (as amended by chapter 190, Acts of 1907). Druggists and apothecaries having a sixth class license or a certificate of fitness, may sell pure alcohol for medicinal, mechanical or chemical purposes without a physician's prescription, the said sales to be recorded in the manner provided for in section twenty-six; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22. No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate of fitness prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store.

SECTION 23 (as amended by chapter 308, Acts of 1907, as amended by chapter 261, Acts of 1909). The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than five dollars, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. The board may, after giving a hearing to the parties interested, revoke or suspend such certificate for any cause that it may deem proper, and such revocation or suspension shall revoke or suspend the sixth class license granted thereon.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business in person and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, widow, executor or administrator under another registered pharmacist.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or chemical purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows:—

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book, and shall not be detached therefrom, and shall be in form substantially as follows:—

Certificate.

I wish to purchase.....
and I certify that I am not a minor and that the same is to be used
for * Mechanical * Chemical * Medicinal purposes. [* Draw a line
through the words which do not indicate the purpose of the pur-
chase.]

Signature
Cancelled

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and in all other cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.

SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten of chapter two hundred and twenty shall not apply to such sentence.

TRANSFER OF LICENSES.

SECTION 44. Licensing boards may transfer licenses from one location to another within the city or town in which such licenses are in force; but such transfer shall be granted only to the original licensee, and like notice shall be given, the same provisions shall apply, and other proceedings shall be the same as are required upon the granting of licenses, except that no new license fee shall be required.

FORFEITURE OF LICENSE.

SECTION 47 (as amended by chapter 108, Acts of 1908). The licensing board, after notice to the licensee and reasonable opportunity for him to be heard by them or by a committee of the mayor and aldermen or selectmen, if the license was granted by them, may declare his license forfeited, or may suspend his license for such period of time as they may deem proper, upon satisfactory proof that he has violated or permitted a violation of any condition thereof, or any law of the commonwealth. The pendency of proceedings before a court or justice shall not suspend or interfere with the power herein given to decree a forfeiture. If the license is declared to have been forfeited, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so forfeited, and

if he is the owner of the premises described in such forfeited license, no license shall be issued to be exercised on said premises for the residue of the term thereof.

CHAPTER 281, ACTS OF 1906.

AN ACT RELATIVE TO THE SALE OF INTOXICATING LIQUORS BY
REGISTERED PHARMACISTS.

Be it enacted, etc., as follows:

SECTION 1. In any city or town in which licenses for the sale of intoxicating liquors of the first five classes are not granted, registered pharmacists to whom a certificate of fitness has been issued as provided for by section two of this act, may sell intoxicating liquors upon the prescription of a registered physician practising in such city or town, provided that the prescription is dated, contains the name of the person prescribed for, and is signed by the physician. All such prescriptions shall be retained and kept on file in a separate book by the pharmacist filling the same, and shall not be filled a second time. Such prescription book shall be open at all times to the inspection provided for in section twenty-seven of chapter one hundred of the Revised Laws.

SECTION 2 (as amended by chapter 261, Acts of 1909). The board of registration in pharmacy may, upon the payment by each applicant of a fee of not more than five dollars, issue to registered pharmacists certificates of fitness as provided for in section twenty-three of said chapter one hundred. Such certificates of fitness shall be subject to suspension or revocation by the board of registration in pharmacy, or by the licensing authorities of such cities and towns.

SECTION 3. Whoever violates any provision of this act shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 14, 1906.

CHAPTER 213, REVISED LAWS.

OF CRIMES AGAINST THE PUBLIC HEALTH.

SECTION 2. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Don-

ovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words *Poison* and *Antidote*, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken packages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines or trees, except that he shall record each sale and label each package sold, as above provided.

CHAPTER 220, ACTS OF 1905.

AN ACT RELATIVE TO WOOD ALCOHOL.

Be it enacted, etc., as follows:

SECTION 1. Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers any wood alcohol, otherwise known as methyl alcohol, shall affix to the vessel containing the same and shall deliver therewith a label bearing the words "Wood Alcohol, Poison", in black letters of uncondensed Gothic type not less than one-fourth of an inch in height. Whoever violates the provisions

of this section shall pay a fine of not less than fifty dollars nor more than two hundred dollars.

SECTION 2. Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, shall be punished by a fine of not less than two hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Approved March 27, 1905.

CHAPTER 259, ACTS OF 1907.

AN ACT RELATIVE TO THE LABELLING OF CERTAIN PATENT OR PROPRIETARY DRUGS AND FOODS.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and eighty-six of the acts of the year nineteen hundred and six is hereby amended by striking out section one and inserting in place thereof the following:—*Section 1.* Upon every package, bottle or other receptacle holding any proprietary or patent medicine, or any proprietary or patent food preparation, which contains alcohol, morphine, codeine, opium, heroin, chloroform, cannibis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances, shall be marked or inscribed a statement on the label of the quantity or proportion of each of said substances contained therein. The size of type in which the names of the above substances shall be printed on the labels as above, shall not be smaller than eight point (brevier) caps: *provided*, that in case the size of the package will not permit the use of eight point cap type the size of the type may be reduced proportionately. The provisions of section nineteen of chapter seventy-five of the Revised Laws, so far as they are consistent herewith, shall apply to the manner and form in which such statements shall be marked or inscribed.

SECTION 2. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber or manufacturer residing in this Commonwealth, from whom he purchased such articles, to the effect that the same is not misbranded within the meaning of this act, designating it. Such guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer; and in such case said party

or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.

SECTION 3. Section two of chapter three hundred and eighty-six of the acts of the year nineteen hundred and six is hereby repealed.

SECTION 4. This act shall take effect on the first day of March in the year nineteen hundred and eight.

Approved March 29, 1907.

CHAPTER 307, ACTS OF 1908.

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF COCAINE
AND ARTICLES CONTAINING COCAINE.

Be it enacted, etc., as follows:

SECTION 1. It shall be unlawful for any person, firm or corporation to manufacture any so-called catarrh powder or catarrh cure, or any patent or proprietary preparation containing cocaine, or any of its salts, or alpha or beta eucaine, or any of their salts, or any synthetic substitute for the aforesaid.

SECTION 2 (as amended by chapter 375, Acts of 1909). It shall be unlawful for any person, firm or corporation to sell, exchange, deliver, expose for sale, give away or have in his possession or custody with intent to sell, exchange, deliver, or give away, in any street, way, square, park or other public place, or in any hotel, restaurant, apartment house, dwelling house, liquor saloon, barroom, public hall, place of amusement, or public building any cocaine or any of its salts, or any alpha or beta eucaine, or any of their salts, or any synthetic substitute for the aforesaid, or any preparation containing any of the same.

SECTION 3. It shall be unlawful for any pharmacist or other person employed or serving in a pharmacy, drug store or apothecary shop, to the proprietor of which a written notice has been sent by registered mail by an officer or employee of the state board of health stating that any patent or proprietary medicine or article, naming the same, contains cocaine or any of its salts, or any alpha or beta eucaine, or any of their salts, or any synthetic substitute for the aforesaid, thereafter to sell any such medicine or article.

SECTION 4 (as amended by chapter 375, Acts of 1909). It shall be unlawful for any person to sell, or to expose or offer for sale, or to give or exchange any cocaine or alpha or beta eucaine or any synthetic substitute of the aforesaid, or any preparation containing the same, or any salts or compounds

thereof, except upon the written prescription of a physician, dentist or veterinary surgeon registered under the laws of the commonwealth; the original of which prescription shall be retained by the druggist filling the same and shall not again be filled, and shall at all times be open to inspection by the officers of the state board of health and by the police authorities and officers of cities and towns.

CHAPTER 43, ACTS OF 1909.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE BOARD OF REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the board of registration in pharmacy for the fiscal year ending on the thirtieth day of November, nineteen hundred and nine, to wit: —

For the salaries of the members of the board, thirty-one hundred dollars.

For travelling and other expenses of the members of the board, a sum not exceeding seventeen hundred and twenty-five dollars.

For the salary and expenses of the agent of the board, a sum not exceeding twenty-four hundred dollars.

For a stenographer, witness fees and incidental and contingent expenses of the board, the same to include the printing of the annual report, a sum not exceeding seventeen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 5, 1909.

TWENTY-FIFTH ANNUAL REPORT

OF THE

MASSACHUSETTS

BOARD OF REGISTRATION IN PHARMACY,

FOR THE

YEAR ENDING NOVEMBER 30, 1910.



BOSTON:

WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
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THE STATE BOARD OF PUBLICATION.

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NAMES OF BOARD AND OFFICERS.

ERNST O. ENGSTROM, *President.*

CHARLES F. RIPLEY, *Secretary.*

IRVING P. GAMMON.

PETER J. McCORMICK.

WILLIAM S. FLINT.

JOSEPH E. BUSWELL, *Agent.*

The Commonwealth of Massachusetts.

REPORT.

To His Excellency EBEN S. DRAPER, *Governor*.

SIR: — In compliance with the laws of the Commonwealth, the Board of Registration in Pharmacy has the honor to submit the following report.

The condition of the drug trade throughout the State has been generally satisfactory. About 27 new stores have been established and 16 discontinued.

Referring to the financial statement of our secretary, it shows that the fees transmitted to the State Treasurer this year have exceeded all expenses of the Board by \$1,583.49.

The demand for good, competent clerks is constant, and the Board has examined 495 candidates, granting 111 certificates as registered pharmacists and 143 as assistant pharmacists.

A decided change in regard to the treatment of apprentices and clerks in drug stores has taken place. The former ideal condition, when the proprietor taught his clerks and took a personal interest in their progress, is a thing of the past. At present, especially in the larger stores, the clerk is hired to do one part of the work, and if he does this well, is apt to keep his position and do this only. For instance, a drug clerk may work on the soda fountain for five years, and not do anything else in the store. This same condition exists in all of the States. Such a man often expects to obtain a certificate of registration in pharmacy, claiming that his long experience in a drug store entitles him to a certificate.

On account of this condition it seems imperative that a systematic training in the science and art of pharmacology in some school should be required of applicants for State Board examinations. In several States laws have been enacted requiring the

applicants for registration in pharmacy to have obtained a diploma from some school of pharmacy recognized as giving a competent and comprehensive course of study satisfactory to the Board of Education or the Board of Pharmacy of the respective States, as a prerequisite for examination. The members of our Board are divided as to the wisdom of such legislation at the present time, but we feel it our duty to present the facts.

A law was enacted in 1908 permitting the Board to grant assistant certificates for the purpose, as expressed in the 1907 report of this Board, of protecting the public by compelling owners of drug stores to have at all times a competent registered person in charge of the store. During the two years since the law went into effect 361 assistant certificates have been issued. We would recommend that a specific law be enacted, compelling the attendance of a registered or assistant registered pharmacist at all times in drug stores open for business, the law to take effect Jan. 1, 1912, thus giving the proprietors ample time to comply with such a provision.

The physicians of this Commonwealth are dispensing pharmaceutical preparations, narcotic tablets and compounds bought from manufacturers, often without regard to quality; and we believe it would be for the best interest to place physicians who dispense and sell medicines under such restrictions as will be consistent with the laws governing other citizens merchandising in these commodities.

Respectfully submitted,

ERNST O. ENGSTROM.
CHARLES F. RIPLEY.
IRVING P. GAMMON.
PETER J. McCORMICK.
WILLIAM S. FLINT.

The term of Charles F. Ripley expires with this report. Mr. Ripley has filled the office of secretary to the general satisfaction of all concerned. He has given to the public and to

the uplifting of pharmacy his best efforts, and his valuable services will be greatly missed by the public and druggists of this Commonwealth. It is with deep regret that we have to part with his valuable labor and advice.

Respectfully submitted,

ERNST O. ENGSTROM.
IRVING P. GAMMON.
PETER J. McCORMICK.
WILLIAM S. FLINT.

REPORT OF DELEGATE TO NATIONAL ASSOCIATION OF BOARDS OF PHARMACY.

*To the Members of the Massachusetts State Board of Pharmacy,
Boston.*

As representative of the Massachusetts State Board of Pharmacy to the Convention of the National Association of Boards of Pharmacy, held at Richmond, Va., May 4-6, 1910, I submit the following report.

The opening session was held on Wednesday, at 3.30 P.M., the president, Mr. J. G. Muir of Grand Rapids, Mich., presiding. The president delivered an address which was received with great enthusiasm. A total of 30 States answered the roll call, with 47 delegates present. The report of the secretary showed a membership of 33 States, divided as follows: active, 25; associate, 8. The treasurer reported the financial condition to be most gratifying. The report of the executive committee was read by Mr. Ernst O. Engstrom of Massachusetts.

The second session opened at 10 A.M., Thursday. The report of the syllabus committee was read by Mr. Engstrom, and the following recommendations adopted:—

1. That this association adopt the syllabus as a guide for future examinations of candidates for registration in pharmacy.

2. That this association appoint 7 representatives to be part of the reorganized national committee of 21, vacancies in the committee to be filled annually by the association.

3. That a proportionate share of the current expenses of the committee, not to exceed \$25 each per annum, may be provided.

4. That the present form of committee organization be continued, with a chairman, a secretary and 3 subcommittees of 7, the 3 subchairmen, the chairman and the secretary being the executive committee to present all matters for discussion and for action to the national committee.

Mr. Miller of Virginia reported for the committee on questions and methods. The methods of conducting examination were discussed by all members present.

The third session convened at 2.30 p.m., Friday. The several States reported upon conditions of pharmacy. The president's recommendations were taken up and discussed. Mr. Gammon of Boston reported on the condition of pharmacy in Massachusetts, and gave an outline of the methods of this Board in conducting examinations.

A session with the National Association of Boards of Pharmacy and the American Pharmaceutical Association, sitting jointly, was held on Wednesday at 9 a.m. A discussion on the subject of "The Proper Method of conducting a Board Examination" took place, members from Massachusetts taking a prominent part in the same.

The following recommendations by the president were adopted: —

Encourage the further formation of local associations, with the request that their meetings be held in connection with a board examination.

Adoption by our association of the national syllabus committee's recommendations.

Request representation by the State pharmacy boards in the future pharmacopœial revision conventions.

That our association set a date not later than 1915 when it will ask its active members to require of licentiates in pharmacy at least two years' high school work, one year's work in a recognized college of pharmacy, and a total, including their college work, of five years' practical experience; "a recognized college of pharmacy" to be either a member of, or eligible to membership in, the American Conference of Pharmaceutical Faculties.

That the executive committee take up the matter of partial reciprocity with such State boards as cannot come into full active membership.

The last proceeding was the election and installation of officers. Mr. Ernst O. Engstrom of Massachusetts was elected president.

Members who were present from Massachusetts, besides the writer, were Ernst O. Engstrom, Peter J. McCormick and Fred A. Hubbard.

Respectfully submitted,

IRVING P. GAMMON.

SECRETARY'S REPORT.

Meetings for examinations have been held on dates and with results as follows:—

EXAMINATIONS.

1909-10.	Days.	Number examined.	Registered as Pharma- cists.	Granted Assistant Certificates.	Rejected.
December 14, . . .	1	18	5	6	7
January 4, . . .	1	17	2	6	9
January 18, . . .	1	18	4	5	9
February 8, . . .	1	19	3	8	8
February 23, . . .	1	18	5	5	8
March 8, . . .	1	17	2	3	12
March 15, . . .	1	18	3	5	10
March 22, . . .	1	17	5	8	4
April 5, . . .	1	17	3	3	11
April 12, . . .	1	17	7	2	8
April 18, . . .	1	19	3	7	9
May 16, . . .	1	18	3	7	8
May 17, . . .	1	18	2	6	10
May 23, . . .	1	18	13	3	2
June 7, . . .	1	18	8	6	4
June 13, . . .	1	17	1	7	9
June 14, . . .	1	17	3	7	7
June 20, . . .	1	21	9	3	9
June 21, . . .	1	18	2	7	9
June 24, . . .	1	17	1	6	10
June 27, . . .	1	17	5	6	6
June 28, . . .	1	19	3	2	14
September 20, . . .	1	13	1	4	8
October 4, . . .	1	20	3	4	13
October 11, . . .	1	19	3	7	9
October 18, . . .	1	13	4	2	7
November 15, . . .	1	17	4	4	9
November 22, . . .	1	20	4	4	12
Totals, . . .	28	495	111	143	241

Of the 111 candidates who passed the examinations and were registered as pharmacists: —

31 passed on first examination.	1 passed on sixth examination.
27 passed on second examination.	2 passed on seventh examination.
19 passed on third examination.	2 passed on eighth examination.
15 passed on fourth examination.	1 passed on ninth examination.
12 passed on fifth examination.	1 passed on tenth examination.

Certificates of registration have been granted by reciprocity as follows: —

RECIPROCITY.

STATE.	Number registered.
Connecticut,	4
Maine,	5
Maryland,	2
New Hampshire,	4
Vermont,	5
West Virginia,	1

FEES.

Registration fees received: —

182 for first examination at \$5, . . .	\$910 00
320 for re-examination at \$3, . . .	960 00
23 for reciprocity at \$10, . . .	230 00
12 for duplicate certificates at \$1, . . .	12 00
24 for clerical services relating to reciprocity at \$1, . . .	24 00
Total registration fees received, . . .	\$2,136 00
1,587 fees received for liquor certificates, . . .	7,935 00
Interest on bank deposits,	3 01
Total receipts,	\$10,074 01
Amount paid State Treasurer,	\$9,744 01
Returned to rejected applicants for liquor cer- tificates,	310 00
Returned to rejected applicants for reciprocity, . . .	20 00
Total credits,	\$10,074 01

Of the 1,587 applications for liquor certificates received: —

Granted certificates for sixth-class license,	1,087
Granted certificates of fitness to sell intoxicating liquor on physicians' prescriptions only,	436
Refused,	62
Pending,	2

EXPENDITURES.

Members' salaries: —

Ernst O. Engstrom, president,	\$600 00	
Charles F. Ripley, secretary,	1,000 00	
Irving P. Gammon,	500 00	
Peter J. McCormick,	500 00	
William S. Flint,	500 00	
	<hr/>	\$3,100 00

Members' expenses: —

Ernst O. Engstrom,	\$456 70	
Charles F. Ripley,	347 45	
Irving P. Gammon (attending board meetings),	83 40	
Irving P. Gammon (attending National Convention),	72 30	
Peter J. McCormick,	83 00	
William S. Flint,	178 20	
	<hr/>	1,221 05

Agent, salary and expenses: —

Joseph E. Buswell, salary,	\$1,500 00	
Joseph E. Buswell, expenses,	657 86	
	<hr/>	2,157 86

Stenographer, witness fees, incidental and contingent expenses: —

Bessie B. Burroughs,	\$1,000 00	
Wright & Potter Printing Company,	238 19	
New England Telephone and Telegraph Company,	7 14	
Press Clipping Bureau,	13 60	
Gilman Brothers,	46 17	
Charles A. French, engrosser,	9 30	
	<hr/>	

<i>Amounts carried forward,</i>	<i>\$1,314 40</i>	<i>\$6,478 91</i>
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<i>Amounts brought forward,</i>	\$1,314 40	\$6,478 91
F. W. Martin Company, engrossers,	47 10	
J. L. Hammett & Co.,	11 69	
J. L. Fairbanks & Co.,	22 70	
National Association of Boards of Pharmacy,	12 06	
New England Association of Boards of Pharmacy,	2 00	
Remington Typewriter Company,	4 45	
Pocket Manual Company,	1 00	
Key Lox Manufacturing Company,	75	
Currier & Son, Haverhill,	1 41	
Neostyle Company,	8 00	
Witness fees,	28 55	
Postage,	191 73	
Services in laboratory,	28 25	
Laboratory laundry,	7 52	
		1,681 61
		<hr/>
		\$8,160 52

DECEASED PHARMACISTS.

George Barrett, Peabody.	William Goodwin, Marblehead.
Alfred Bertrand, North Brookfield.	Rowland K. Gordon, Roxbury.
George P. Brown, Winchester.	Ezra C. Gove, Cambridge.
Josiah Bryant, Arlington.	George D. Hayes, Lawrence.
William H. Butler, Brookline.	William F. Heagney, Salem.
Karl Castlehun, Newburyport.	Hermann Heinritz, Holyoke.
Edward H. Clegg, Gloucester.	William Hurley, Dedham.
Joseph W. Coleord, Lynn.	Edward T. McGibbon, Boston.
Thomas A. Colton, Brockton.	William S. Moody, Dorchester.
John Considine, New Bedford.	Ezra E. Rockwood, South Boston.
James J. Curran, Holyoke.	George C. Sheppard, Southbridge.
Frank Emerson, Lawrence.	Arthur Tessier, Boston.
Francis P. Fitzgerald, Salem.	William J. Vizard, East Brookfield.

SUMMARY.

Meetings: —	
For examinations,	28
For hearings, business, etc.,	21
	<hr/>
Total number of meetings,	49

Hearings:—

On formal complaint, charge of violation of the liquor law after conviction in court,	24
On formal complaint, charge of confirmed habits of intoxication,	1
On suspension or revocation of liquor certificates,	23
On petition for reinstatement as registered pharmacist,	3
In reference to applications for liquor certificates,	106
<hr/>	
Total number of hearings,	157

Results of hearings:—

Number of certificates of registration suspended for one year,	1
Number of certificates of registration suspended for six months,	1
Number of certificates of registration suspended for three months,	1
Number of cases placed on file,	22
Number of sixth-class licenses suspended,	6
Number of certificates of fitness suspended,	19
Number of suspended pharmacists reinstated,	3

Respectfully submitted,

CHARLES F. RIPLEY,
Secretary.

L A W S

RELATING TO

THE PRACTICE OF PHARMACY

IN

MASSACHUSETTS.

1910.

LAWS RELATING TO PHARMACY.

CHAPTER 76, REVISED LAWS.

REGISTRATION OF PHARMACISTS.

SECTION 10 (as amended by section 3, chapter 261, Acts of 1909). There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in November be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of December following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years. The members of said board at the time of the enactment hereof, and any member thereafter appointed to fill a vacancy, who are holding office at the expiration of their official terms, shall continue in office until the first day of December following.

Board of
registration
in pharmacy,
appoint-
ment, etc.

SECTION 11 (as amended by section 4, chapter 261, Acts of 1909). Said board shall meet on the first Tuesday of December in each year at such time and place as it may determine and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October, and additional meetings at such times and places as it shall determine.

Organization,
meetings, etc.

SECTION 12. (Section 1, chapter 399, Acts of 1907.) The annual salary of the secretary of the board of registration in pharmacy shall be one thousand dollars, and that of the other

Salaries.

members of the board shall be five hundred dollars each, except that the chairman shall receive six hundred dollars.

Travelling
expenses, etc.

(Sections 4 and 5, chapter 505, Acts of 1902.) Each member of the board shall receive in addition to his salary his necessary travelling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board shall be paid out of the treasury of the commonwealth. The fees received for examination and registration of applicants before the board of registration in pharmacy shall be paid monthly by the secretary into the treasury of the commonwealth.

Record and
annual re-
port.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

Examination
for registra-
tion as a
pharmacist.

SECTION 14 (as amended by section 3, chapter 525, Acts of 1908). A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. The board of registration in pharmacy may grant certificates of registration as assistants after examination upon the terms above named, but such certificates shall not allow the holder thereof to carry on the business of pharmacy. The said board may, in its discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state: *provided*, that such other state shall require a degree of competency equal to that required of applicants in this state. Every applicant for registration as a registered pharmacist shall pay to the secretary of the board the sum of ten dollars at the time of filing the application. No certificate known as the reciprocity certificate shall be granted until the person so applying shall have signified his intention of acting under the same in this commonwealth. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

Certificates
as assistants.

Registration
by reciprocity.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

Exhibit of
certificate.

SECTION 16 (as amended by chapter 140, Acts of 1907, as amended by section 2, chapter 172, Acts of 1910). The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, and especially of the laws relating to the sale of intoxicating liquors; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of, or within thirty days after a conviction by a court of competent jurisdiction. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

Hearings on
applications
and com-
plaints.

SECTION 17 (as amended by chapter 321, Acts of 1902). If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. (Chapter 261, section 5, Acts of 1909: The board may suspend the certificate of registration of a registered pharmacist, who, in its judgment, is a menace to the public by reason of the improper use of intoxicating liquor or drugs; such suspension to be made only after a hearing, and by the unanimous vote of all the members of the board.) The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

Board may
suspend
certificates of
registration,
etc.

Board may
reconsider
its action.

SECTION 18 (as amended by section 2, chapter 525, Acts of 1908). Whoever, not being registered as aforesaid, retails,

Penalty for
sale of drugs
by unregis-
tered persons.

compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist. Every registered pharmacist engaged in the business of pharmacy shall cause his name to appear on every sign indicating or advertising his place of business and on every label used for medicinal preparations compounded in his place of business. No unregistered copartner shall hereafter be actively engaged in the business of pharmacy; but this provision shall not apply to those engaged in the business at the time of the enactment hereof.

Registered person's name on signs and labels.

Inability of unregistered copartner to be actively engaged in pharmacy.

Investigation of complaints.

SECTION 19. The board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

Access to documents.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

Court to furnish certificate of conviction.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

As to the sale of certain drugs and medicines by grocers and others, not registered.

SECTION 23 (as amended by chapter 327, Acts of 1902, as amended by section 3, chapter 525, Acts of 1908, as amended by section 1, chapter 172, Acts of 1910). The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent or proprietary medicines; nor to the sale by merchants at retail of the following drugs and chemicals used in the arts, or as household remedies: — alum, ammonia, bicarbonate of soda, borax, camphor, castor oil, chlorinated lime,

citric acid, cod liver oil, copperas, cotton seed oil, cream of tartar, dye stuffs, Epsom salt, flaxseed, flaxseed meal, gelatin, ginger, Glauber's salt, glycerine, gum arabic, gum tragacanth, hops, hyposulphite of soda, licorice, lime water, linseed oil, litharge, magnesia, olive oil, peroxide of hydrogen, petrolatum, phosphate of soda, rhubarb, Rochelle salt, rosin, sal ammoniac, saltpeter, senna, slippery elm bark, spices of seasoning, sugar of milk, sulphate of copper, sulphur, tartaric acid, turpentine, extract of witch hazel, and zinc oxide; nor to the sale in original packages of the following, if put up by registered pharmacists, manufacturers, or wholesale dealers, in conformity with the Revised Laws, namely:—flavoring essences or extracts, essence of Jamaica ginger, insecticides, rat exterminators, aromatic spirits of ammonia, spirits of camphor, sweet spirits of nitre, syrup of rhubarb, tincture of arnica, and tincture of rhubarb; nor to the sale of the following poisons used in the arts, if properly labelled and recorded as provided in section two, chapter two hundred and thirteen of the Revised Laws:—muriatic acid, oxalic acid, nitric acid, sulphuric acid, arsenic, cyanide of potassium, mercury, phosphorus, and sulphate of zinc. Whoever not being a registered pharmacist, sells, or offers for sale, at retail, drugs, medicines, or poisons, other than those enumerated above, shall be punished by a fine not exceeding fifty dollars. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist, who may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder.

Widow, etc.,
may continue
business, etc.

CHAPTER 100, REVISED LAWS.

SECTION 2. Ale, porter, strong beer, cider, all wines, any beverage which contains more than one per cent of alcohol, by volume, at sixty degrees Fahrenheit, and distilled spirits, shall be deemed to be intoxicating liquor within the meaning of this chapter.

Definition of
intoxicating
liquor.

SECTION 16. The licensing board may at any time refuse to issue a license to a person whom it considers unfit to receive the same; but the provisions of this chapter shall not be so construed as to compel said licensing board to grant licenses.

Licenses may
be refused to
unfit persons.

SECTION 17. Each license shall be expressed, to be subject to the following conditions:—

Conditions of
licenses.

First, That the provisions in regard to the nature of the license, and the building in which the business may be carried on under it, shall be strictly adhered to.

Sales prohibited certain hours and Lord's day.

Second, That spirituous or intoxicating liquor shall not be sold between the hours of eleven at night and six in the morning or on the Lord's day; but if the licensee is also licensed as an innholder he may, between the hours of six in the morning and eleven at night on the Lord's day, supply such liquors to guests who have resorted to his inn for food and lodging.

Quality of liquor.

Third, That spirituous or intoxicating liquor shall not be sold, exchanged or delivered, or exposed, offered or kept for sale, exchange or delivery, upon the licensed premises, unless it is of good standard quality and is free from any adulteration prohibited in the Pharmacopœia of the United States or by the laws relative to adulteration of drugs and food, for either a food or a drug. If it is marked, labelled or represented as being the product of any foreign country, it shall also be of the standard quality required for its legal sale for domestic use in the country of its reputed production. All such liquors which are sold, exchanged or delivered, or which are exposed or kept for sale, exchange or delivery, under a license of the sixth class, shall be of the quality required for their sale as drugs under the provisions of the laws relative to the adulteration of drugs and food.

Sales prohibited to certain persons.

Fourth, That liquor shall not be sold or delivered on the licensed premises to a person who is known to be a drunkard, to an intoxicated person, or to a person who is known to have been intoxicated within the six months last preceding, or to a minor, either for his own use, the use of his parents or of any other person, or, unless upon the prescription of a duly registered physician, to a person known to have been supported in whole or in part by public charity at any time during the twelve months last preceding the date of the license.

Conduct on premises.

Fifth, That there shall be no disorder, indecency, prostitution, lewdness, or illegal gaming on the licensed premises, or on any premises connected therewith by an interior communication.

License displayed.

Sixth, That the license, or a copy thereof, certified by the recording officer of the licensing board, or by the clerk of the city or town by which it is issued, shall be displayed on the premises, in a conspicuous position, where it can easily be read.

License subject to forfeiture.

Seventh, That the license shall be subject to forfeiture, as herein provided, for breach of any of its conditions; and that, if the licensee is convicted of a violation of any of such conditions, his license shall thereupon become void.

SECTION 21 (as amended by chapter 190, Acts of 1907). Sales of alcohol.
Druggists and apothecaries having a sixth class license or a certificate of fitness, may sell pure alcohol for medicinal, mechanical or chemical purposes without a physician's prescription, the said sales to be recorded in the manner provided for in section twenty-six; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22. No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate of fitness prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. Licenses to druggists.
A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store. Registered stockholder.

SECTION 23 (as amended by chapter 308, Acts of 1907, as amended by chapter 261, Acts of 1909). Certificate of fitness for license.
The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than five dollars, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. The board may, after giving a hearing to the parties interested, revoke or suspend such certificate for any cause that it may deem proper, and such revocation or suspension shall revoke or suspend the sixth class license granted thereon.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business in person and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, License to be void, when.

widow, executor or administrator under another registered pharmacist.

Sale only on
certificate.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or chemical purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

Entry book
for sales
of liquor.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows:—

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose. of Use.	Price.	Name of Physician.
-------	--------------------------	------------	--------------------------	------------------------	--------	--------------------------

The certificate mentioned in the preceding section shall be a part of said book, and shall not be detached therefrom, and shall be in form substantially as follows:—

Certificate.

I wish to purchase.....
and I certify that I am not a minor and that the same is to be used for * Mechanical * Chemical * Medicinal purposes. [*Draw a line through the words which do not indicate the purpose of the purchase.]

Signature.....

Cancelled.....

Books open to
inspection.

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and

in all other cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.

Penalty for
false certificate.

SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten of chapter two hundred and twenty shall not apply to such sentence.

Penalty for
sale of liquor
in name of
pharmacist.

SECTION 44. Licensing boards may transfer licenses from one location to another within the city or town in which such licenses are in force; but such transfer shall be granted only to the original licensee, and like notice shall be given, the same provisions shall apply, and other proceedings shall be the same as are required upon the granting of licenses, except that no new license fee shall be required.

Transfer of
licenses.

SECTION 47 (as amended by chapter 108, Acts of 1908). The licensing board, after notice to the licensee and reasonable opportunity for him to be heard by them or by a committee of the mayor and aldermen or selectmen, if the license was granted by them, may declare his license forfeited, or may suspend his license for such period of time as they may deem proper, upon satisfactory proof that he has violated or permitted a violation of any condition thereof, or any law of the commonwealth. The pendency of proceedings before a court or justice shall not suspend or interfere with the power herein given to decree a forfeiture. If the license is declared to have been forfeited, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so forfeited, and if he is the owner of the premises described in such forfeited license, no license shall be issued to be exercised on said premises for the residue of the term thereof.

Forfeiture
of license.

Licensee
disqualified.

SECTION 53. Whoever violates any provision of his license or of this chapter shall, unless otherwise expressly provided, be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months; and such conviction of a licensee

Penalties.

shall render any license to him of the first five classes, of the seventh class, and, if for a violation of sections twenty-five to twenty-seven inclusive, a license of the sixth class, void. Such licensee shall be disqualified to hold a license for one year after his conviction, and, if he is the owner of the licensed premises, no license shall be exercised on the premises described in the forfeited license during the residue of the term thereof.

Penalty for
furnishing
liquor, etc.,
to a minor.

SECTION 62. Whoever, himself, or by his agent or servant, sells or gives intoxicating liquors to a minor, either for his own use, the use of his parent, or of any other person, or allows a minor to loiter upon the premises where such sales are made, shall forfeit one hundred dollars for each offense, to be recovered by the parent, etc. The provisions of this section shall not apply to sales made by the holder of a license of the sixth class if made upon the written prescription of a practising physician.

Penalty for
selling liquor
to a person
contrary to
notice.

SECTION 63. The husband, wife, parent, child, guardian or employer of a person who has the habit of drinking spirituous or intoxicating liquor to excess, or the mayor of the city, or one of the selectmen of the town in which such person lives, may give notice in writing, signed by him or her, to any person requesting him not to sell or deliver such liquor to the person having such habit. If the person so notified at any time within twelve months thereafter sells or delivers such liquor to the person having such habit, or permits him to loiter on his premises, the person giving the notice may, in an action of tort, recover of the person notified such amount, not less than one hundred nor more than five hundred dollars, as may be assessed as damages; etc.

CHAPTER 281, ACTS OF 1906.

AN ACT RELATIVE TO THE SALE OF INTOXICATING LIQUORS BY REGISTERED PHARMACISTS.

Be it enacted, etc., as follows:

Sale on
prescription,
having a
certificate of
fitness in no-
license
places.

SECTION 1. In any city or town in which licenses for the sale of intoxicating liquors of the first five classes are not granted, registered pharmacists to whom a certificate of fitness has been issued as provided for by section two of this act, may sell intoxicating liquors upon the prescription of a registered physician practising in such city or town, provided that the prescription is dated, contains the name of the person prescribed for, and is signed by the physician. All such prescriptions shall be retained and kept on file in a separate book by

the pharmacist filling the same, and shall not be filled a second time. Such prescription book shall be open at all times to the inspection provided for in section twenty-seven of chapter one hundred of the Revised Laws.

SECTION 2 (as amended by chapter 261, Acts of 1909). Fee.

The board of registration in pharmacy may, upon the payment by each applicant of a fee of not more than five dollars, issue to registered pharmacists certificates of fitness as provided for in section twenty-three of said chapter one hundred. Such certificates of fitness shall be subject to suspension or revocation by the board of registration in pharmacy, or by the licensing authorities of such cities and towns.

Suspension or
revocation of
certificate.

SECTION 3. Whoever violates any provision of this act shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment.

Penalty.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

Approved April 14, 1906.

CHAPTER 213, REVISED LAWS.

OF CRIMES AGAINST THE PUBLIC HEALTH.

SECTION 2. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words *Poison* and *Antidote*, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale

Sale of
poisons.

of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken packages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines or trees, except that he shall record each sale and label each package sold, as above provided.

CHAPTER 541, ACTS OF 1910.

AN ACT RELATIVE TO THE LABELLING OF CRUDE AND REFINED WOOD ALCOHOL.

Be it enacted, etc., as follows:

Crude and refined wood alcohol to be labelled.

SECTION 1. Whoever, himself, or by his servant or agent, or as the servant or agent of any other person sells, exchanges or delivers any wood alcohol, otherwise known as methyl alcohol, either crude or refined, or denatured alcohol which contains any methyl alcohol, under or by whatever name or trade mark the same may be called or known shall affix to the bottle or vessel containing the same a label bearing the words, "Poison. Not for Internal Use", in red letters of uncondensed Gothic type not less than one fourth of an inch in height, and the same words, "Poison, Not for Internal Use", in stencilled letters or similar Gothic type of a size not less than three fourths nor more than one and one half inches in height for use on barrels and kegs. Whoever violates any provision of this section shall pay a fine of not less than fifty nor more than two hundred dollars for each sale in respect to which the violation occurs.

Penalty.

Penalty for the sale, etc., of food or drink containing wood alcohol, etc.

SECTION 2. Whoever, himself, or by his servant or agent, or as the servant or agent of any other person sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, either crude or refined, under or by whatever name or trade mark the same may be called or known, shall be punished by a fine of not less than two

hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

SECTION 3. Chapter two hundred and twenty of the acts of the year nineteen hundred and five, relative to wood alcohol, is hereby repealed.

Repeal.

Approved May 23, 1910.

CHAPTER 259, ACTS OF 1907.

AN ACT RELATIVE TO THE LABELLING OF CERTAIN PATENT OR PROPRIETARY DRUGS AND FOODS.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and eighty-six of the acts of the year nineteen hundred and six is hereby amended by striking out section one and inserting in place thereof the following:—*Section 1.* Upon every package, bottle or other receptacle holding any proprietary or patent medicine, or any proprietary or patent food preparation, which contains alcohol, morphine, codeine, opium, heroin, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances, shall be marked or inscribed a statement on the label of the quantity or proportion of each of said substances contained therein. The size of type in which the names of the above substances shall be printed on the labels as above, shall not be smaller than eight point (brevier) caps: *provided*, that in case the size of the package will not permit the use of eight point cap type the size of the type may be reduced proportionately. The provisions of section nineteen of chapter seventy-five of the Revised Laws, so far as they are consistent herewith, shall apply to the manner and form in which such statements shall be marked or inscribed.

Receptacles holding proprietary or patent medicines, etc., to be labelled.

SECTION 2. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber or manufacturer residing in this Commonwealth, from whom he purchased such articles, to the effect that the same is not misbranded within the meaning of this act, designating it. Such guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer; and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.

SECTION 3. Section two of chapter three hundred and eighty-six of the acts of the year nineteen hundred and six is hereby repealed.

SECTION 4. This act shall take effect on the first day of March in the year nineteen hundred and eight.

Approved March 29, 1907.

CHAPTER 387, ACTS OF 1910.

AN ACT RELATIVE TO THE SALE OF COCAINE.

Be it enacted, etc., as follows:

Manufacture
of prepara-
tions contain-
ing cocaine,
etc., prohib-
ited.

SECTION 1. It shall be unlawful for any person, firm or corporation to manufacture any so-called catarrh powder or catarrh cure, or any patent or proprietary preparation containing cocaine, or any of its salts, or alpha or beta eucaine, or any of their salts, or any synthetic substitute for them.

Sale, etc.,
of cocaine,
etc., prohib-
ited except,
etc.

SECTION 2. It shall be unlawful for any person, firm or corporation to sell or to expose or offer for sale or to give, deliver or exchange any cocaine, or any alpha or beta eucaine, or any synthetic substitute for them, or any preparation containing the same, or any salts or compounds thereof, except upon the written prescription of a physician, dentist or veterinary surgeon registered under the laws of the state in which he resides; the original of which prescription shall be retained by the druggist filling the same for a period of at least two years and shall not again be filled, except upon the written order of the original prescriber, and shall at all times be open to inspection by the officers of the state board of health, the members of the state board of registration in pharmacy and its authorized agents, and by the police authorities and officers of cities and towns. But no practitioner of veterinary medicine shall prescribe any of the above mentioned substances for the use of any human being.

Physicians
and dentists
not to pre-
scribe, etc.,
in certain
cases.

SECTION 3. It shall be unlawful for any physician or dentist to prescribe, sell or give away any cocaine or its salts, or any alpha or beta eucaine or their salts, or any synthetic substitute for them, or any preparation containing the same, or any salts or compounds thereof, to any person known to such physician or dentist to be an habitual user of those drugs.

To whom
cocaine, etc.,
may be sold.

SECTION 4. Any manufacturer or jobber of any or all of the articles mentioned in section two of this act, any wholesale druggist, or any registered pharmacist may sell any article mentioned in said section two to any such manufacturer, jobber, wholesale druggist, or to any pharmacist, physician, veterinarian or dentist, registered under the laws of the state in which he resides, or to any incorporated hospital, but only upon a written order duly signed by such manufacturer, jobber, wholesale druggist, registered pharmacist, registered physi-

cian, registered veterinarian, registered dentist, or the superintendent of such incorporated hospital, which order shall show the article or articles ordered and the date of delivery. The said order shall be kept on file in the laboratory, warehouse, pharmacy or store from which it was filled by the proprietor thereof, or his successor, for a period of not less than two years from the date of delivery, and shall at all times be open to inspection by the officers of the state board of health, the members of the state board of registration in pharmacy and its authorized agents, and by the police authorities and officers of cities and towns; and such order shall not contain any articles not mentioned in section two of this act.

Order to be
kept on file.

SECTION 5. Whoever violates any provision of the foregoing sections shall be punished by a fine of not less than fifty nor more than one thousand dollars, or by imprisonment for not more than one year in a county jail or house of correction, or by both such fine and imprisonment.

Penalty.

CHAPTER 271, ACTS OF 1910.

AN ACT TO REGULATE THE SALE OF MORPHINE AND OTHER NARCOTIC DRUGS.

Be it enacted, etc., as follows:

SECTION 1. It shall be unlawful for any person to sell, furnish, give away or deliver any opium, morphine, heroin, codeine or preparations thereof, or any salt or compound of the said substances, except upon the written prescription or order of a lawfully authorized practitioner of medicine, dentistry, or veterinary medicine, which prescription shall bear the name of the person giving it. But the provisions of this section shall not apply to sales made by any manufacturer, wholesale or retail druggist; nor to sales made to hospitals, colleges, scientific or public institutions, or to physicians, dentists, or veterinary surgeons; nor to the sale of cough remedies and other domestic and proprietary preparations: *provided*, that such preparations are sold in good faith as medicines, and not for the purpose of evading the provisions of this act; and *provided*, that such preparations do not contain more than two and one half grains of opium, or one third of a grain of morphine, or one fourth of a grain of heroin, or one grain of codeine or their salts in one fluid ounce; or if a solid preparation, in one avoirdupois ounce, excepting liniments and ointments which are prepared for external use only; nor to preparations containing opium or any of its salts, which are sold in good faith, for diarrhœa,

Sale of cer-
tain narcotic
drugs
regulated.

Provisos.

cholera or neuralgia; nor to powder of ipecac and opium, commonly known as Dover's powders; nor to compound medicinal tablets, pills, or powders containing not over one twentieth of a grain of morphine, or one twelfth of a grain of heroin or one fourth of a grain of codeine, or any of their salts to each pill, powder or tablet, *provided*, that such preparations are sold in good faith as medicines and not for the purpose of evading the provisions of this act.

Prescription
of certain
drugs
regulated.

SECTION 2. It shall be unlawful for any practitioner of medicine, dentistry, or veterinary medicine to prescribe for the use of any habitual user of the same, opium, morphine, heroin, codeine, or any salt or compound of the said substances, or any preparation containing any of the said substances or their salts or compounds; nor shall any practitioner of dentistry prescribe any of the said substances for any person not under his treatment in the regular practice of his profession; nor shall any practitioner of veterinary medicines prescribe any of the said substances for the use of any human being: *provided, however*, that the provisions of this section shall not be construed to prevent any lawfully authorized practitioner of medicine from prescribing in good faith for the use of any habitual user of narcotic drugs who is under his professional care such substances as he may deem necessary for his treatment, when such prescriptions are given in good faith and not for the purpose of evading the provisions of this act.

Penalty.

SECTION 3. Whoever violates any provision of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than one thousand dollars; or shall be imprisoned in the house of correction or jail for a term not exceeding one year; or shall be punished by both such fine and imprisonment. [*Approved March 22, 1910.*]

CHAPTER 416, ACTS OF 1910.

AN ACT RELATIVE TO PROSECUTIONS UNDER THE LAWS RELATIVE TO ADULTERATED DRUGS AND FOOD.

Be it enacted, etc., as follows:

Prosecutions
under laws
relative to
adulterated
drugs and
food.

SECTION 1. No prosecution shall be begun under sections sixteen to twenty-seven, inclusive, of chapter seventy-five of the Revised Laws, for the manufacture, sale or offering for sale of drugs, unless the person purchasing the drug or taking the drug without purchasing shall seal and deliver to the owner or person from whom such drug is purchased or taken a portion of the drug so purchased or taken; and a receipt therefor shall be given to the collector. The drug so purchased or

taken shall thereafter be analyzed or tested under the direction of the state board of health for the purpose of determining whether it comes within the provisions of the sections above mentioned.

SECTION 2. If it appears that any provision of the said sections has been violated, the said board may direct or authorize formal complaint to be made to a court or justice having jurisdiction in such cases; but no evidence of the result of said analysis or test shall be received if the collector refuses or neglects to seal and deliver a portion of the drug purchased or taken as aforesaid to the owner or person from whose possession it is taken. [*Approved April 20, 1910.*]

Complaint
for violation
of law, etc.

CHAPTER 103, ACTS OF 1910.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the board of registration in pharmacy, for the fiscal year ending on the thirtieth day of November, nineteen hundred and ten, to wit:—

For the salaries of the members, thirty-one hundred dollars.

For travelling and other expenses of the members, a sum not exceeding seventeen hundred and twenty-five dollars.

For the salary and expenses of the agent, a sum not exceeding twenty-two hundred dollars.

For a stenographer, witness fees and incidental and contingent expenses, to include the printing of the annual report, a sum not exceeding seventeen hundred dollars.

SECTION 2. This act shall take effect upon its passage. [*Approved February 21, 1910.*]

TWENTY-SIXTH ANNUAL REPORT

OF THE

MASSACHUSETTS

BOARD OF REGISTRATION IN PHARMACY,

FOR THE

YEAR ENDING NOVEMBER 30, 1911.



BOSTON:

WRIGHT & POTTER PRINTING CO., STATE PRINTERS,

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1912.

STATE HOUSE, BOSTON.

APPROVED BY
THE STATE BOARD OF PUBLICATION.

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NAMES OF BOARD AND OFFICERS.

ERNST O. ENGSTROM, *President.*

PETER J. McCORMICK, *Secretary.*

IRVING P. GAMMON.

WILLIAM S. FLINT.

ALBERT J. BRUNELLE.

JOSEPH E. BUSWELL, *Agent.*

The Commonwealth of Massachusetts.

REPORT.

To His Excellency EUGENE N. FOSS, *Governor*.

SIR:—In compliance with the laws of the Commonwealth, the Board of Registration in Pharmacy has the honor to submit the following report.

The condition of the trade shows a fair yearly average with the exception of the cities where the syndicates have established drug stores. The druggists in such places complain of hard, unfair methods of doing business.

The American Pharmaceutical Association and the National Association of Boards of Pharmacy held their annual meeting in Boston in August of this year. The meetings were largely attended, and the delegates from the other States of the Union complimented the Massachusetts pharmacists, who contributed to their comfort and entertainment during their stay in our Commonwealth.

At the meeting of the National Association of Boards of Pharmacy, Ernst O. Engstrom presided, and the boards of pharmacy from the several States sent delegates to discuss betterment of Board of Pharmacy work. All our members attended the sessions, and we hope that one or more members of our Board will be delegates next year to attend the meeting of this association in Denver. This association is of great help to members of boards of pharmacy, as the proceedings printed each year will demonstrate.

There are, as near as can be ascertained by present methods, 1,710 drug stores in the State. There are also several stores which are not drug stores in the State handling drugs and medicines at retail. The Board believes it advisable to keep a record

and have proper supervision over such stores, also that certain regulations should be enacted similar to those adopted in other States compelling licensing by the Board of Pharmacy each year of all stores handling drugs, medicines and poisons.

During the year a drug clerk applying for civil service examination was disqualified on account of section 16, chapter 19 of the Revised Laws, which reads as follows:—

. . . no vendor of intoxicating liquors, shall be appointed to or retained in any office, appointment or employment to which the provisions of this chapter apply.

It seems decidedly unfair that clerks and proprietors of drug stores, who sell intoxicating liquors for medicinal, chemical and mechanical use only, should be considered vendors of intoxicating liquors within the meaning of this act.

The law proposed by the Board last year for the protection of the public, to have a registered person in charge of each drug store at all times, has had a wholesome effect. Our agent reports that conditions have materially improved.

During the year 587 candidates, the largest number in the history of the Board, have presented themselves for examination. One hundred and sixteen of them have received certificates as registered pharmacists, and 179 have received certificates as assistants.

Referring to the financial statement of the Board, it is a great pleasure to note that this commission, since the year ending 1909, has been more than self-sustaining, each year showing a larger balance. The fees transmitted to the State Treasurer this year have exceeded all expenses of the Board by \$2,124.58.

The Board submits the following recommendations:—

1. Every proprietor, owner, or acting agent of a store wherein drugs, medicines or poisons are sold shall each year make an application to the Board of Pharmacy for a permit to conduct such a store, the fee for such a permit not to exceed one dollar, and the application to contain such information as will enable the Board to judiciously grant such permit.

2. That a list of stores so licensed be printed in the yearly report of the Board.

3. That section 16, chapter 19, be so amended that the words "vendor of intoxicating liquors" shall not apply to clerks or proprietors of drug stores.

Respectfully submitted,

ERNST O. ENGSTROM.
PETER J. McCORMICK.
IRVING P. GAMMON.
WILLIAM S. FLINT.
ALBERT J. BRUNELLE.

On December 1 Mr. Ernst O. Engstrom retires from the Board of Pharmacy where for five years he has labored successfully, in every way meeting the requirements of the position and always conscientiously working for the best interests of the profession of pharmacy. Mr. Engstrom has served as president of the Board for three successive years, and has also held the office of president of the National Association of Boards of Pharmacy. The valuable assistance he has rendered in improving the methods of examination is widely recognized. In the deliberations of the Board he has used sound judgment and given justice to all. We deeply regret to lose so valuable a member, and extend to him our best wishes for his future.

Respectfully submitted,

IRVING P. GAMMON.
PETER J. McCORMICK.
WILLIAM S. FLINT.
ALBERT J. BRUNELLE.

SECRETARY'S REPORT.

Meetings for examinations have been held on dates and with results as follows:—

EXAMINATIONS.

	Days.	Number examined for full Registration.	Number examined for only Assistant Registration.	Total Number examined.	Number granted Full Registration who had received Assistant Certificates prior to this Fiscal Year.	Number granted Full Registration who had received Assistant Certificates during this Fiscal Year.	Number, not Assistants, granted Full Registration.	Total Number granted Full Registration.	Number granted Assistant Certificates.	Number granted Assistant Certificates at prior Examinations, failing to receive Full Registration.	Number found not Qualified to receive any Certificate.	Total Number rejected.
December 13,	1	14	1	15	2	-	1	3	7	4	1	5
January 3, . . .	1	12	-	12	6	-	-	6	1	4	1	5
January 10, . . .	1	17	-	17	3	-	2	5	4	7	1	8
January 17, . . .	1	16	1	17	1	-	-	1	3	10	3	13
February 7, . . .	1	15	1	16	-	-	1	1	6	8	1	9
February 21, . . .	1	18	-	18	8	-	-	8	3	7	-	7
March 7,	1	18	-	18	6	-	4	10	4	3	1	4
March 14,	1	15	1	16	-	-	1	1	4	9	2	11
March 21,	1	17	-	17	1	-	-	1	7	9	-	9
April 4,	1	18	-	18	3	1	1	5	5	8	-	8
April 10,	1	18	-	18	1	-	1	2	5	5	6	11
April 11,	1	13	5	18	2	-	-	2	4	6	6	12
April 17,	1	17	-	17	3	-	2	5	6	5	1	6
April 18,	1	15	1	16	1	-	-	1	5	1	9	10
May 2,	1	16	3	19	1	1	4	6	10	2	1	3
May 9,	1	17	-	17	2	1	2	5	7	4	1	5
May 22,	1	18	1	19	1	1	1	3	8	3	5	8
May 23,	1	16	2	18	1	-	4	5	7	4	2	6
May 29,	1	11	-	11	1	-	1	2	6	3	-	3
June 5,	1	15	-	15	1	-	-	1	4	4	6	10
June 6,	1	12	1	13	-	1	-	1	9	3	-	3
June 12,	1	14	-	14	2	-	1	3	6	2	3	5
June 13,	1	16	2	18	-	-	-	-	4	13	1	14
June 19,	1	17	2	19	3	-	1	4	2	5	8	13
June 20,	1	16	2	18	-	-	1	1	6	7	4	11
June 26,	1	19	3	22	1	1	2	4	4	11	3	14
September 12, . . .	1	12	3	15	1	-	-	1	7	4	3	7
September 13, . . .	1	12	3	15	-	-	1	1	7	4	3	7
September 25, . . .	1	16	2	18	3	1	1	5	6	3	4	7
October 3,	1	15	2	17	1	1	-	2	7	4	4	8
October 10,	1	18	1	19	2	1	2	5	4	4	6	10
October 23,	1	12	2	14	2	1	2	5	3	4	2	6
November 6,	1	17	1	18	2	-	-	2	3	7	6	13
November 21, . . .	1	16	2	18	-	1	3	4	4	8	2	10
November 27, . . .	1	16	1	17	-	1	4	5	1	8	3	11
Totals,	35	544	43	587	61	12	43	116	179	193	99	292

Of the 116 candidates who passed the examinations and were registered as pharmacists: —

28 passed on first examination.	7 passed on sixth examination.
28 passed on second examination.	1 passed on seventh examination.
20 passed on third examination.	1 passed on eighth examination.
20 passed on fourth examination.	2 passed on ninth examination.
8 passed on fifth examination.	1 passed on twelfth examination.

Certificates of registration have been granted by reciprocity as follows: —

RECIPROCITY.

STATE.	Number registered.
Connecticut,	5
Maine,	11
Michigan,	1
New Hampshire,	7
North Dakota,	1
Vermont,	4
	29

FEEs.

Registration fees received: —

238 for first examination at \$5,	\$1,190 00	
343 for re-examination at \$3,	1,029 00	
29 for reciprocity at \$10,	290 00	
11 for duplicate certificates at \$1,	11 00	
16 for clerical services relating to reciprocity at \$1,	16 00	
Total registration fees received,	—————	\$2,536 00
1,588 fees received for liquor certificates at \$5,	7,940 00	
Interest on bank deposits,	5 70	
Total receipts,	—————	\$10,481 70
Amount paid State Treasurer,	\$10,180 70	
Returned to rejected applicants for liquor certificates,	295 00	
Returned to applicants for examination upon withdrawal of their applications,	6 00	
Total credits,	—————	\$10,481 70

Of the 1,588 applications for liquor certificates received: —

Granted certificates for sixth-class licenses,	1,104
Granted certificates of fitness to sell intoxicating liquor on physicians' prescriptions only,	412
Refused,	59
Pending,	13

EXPENDITURES.

Members' salaries: —

Ernst O. Engstrom, president,	\$600 00	
Peter J. McCormick, secretary,	1,000 00	
Irving P. Gammon,	500 00	
William S. Flint,	500 00	
Albert J. Brunelle,	500 00	
	<hr/>	\$3,100 00

Members' expenses: —

Ernst O. Engstrom,	\$450 60	
Peter J. McCormick,	119 60	
Irving P. Gammon,	92 80	
William S. Flint,	202 00	
Albert J. Brunelle,	192 00	
	<hr/>	1,057 00

Joseph E. Buswell, agent: —

Salary,	\$1,500 00	
Expenses,	680 35	
	<hr/>	2,180 35

Stenographer, witness fees, incidental and contingent expenses: —

Bessie B. Burroughs,	\$1,000 00	
New England Telephone and Telegraph Company,	5 23	
Wright & Potter Printing Company,	350 13	
Luce's Press Clipping Bureau,	12 65	
Gilman Brothers, wholesale druggists,	27 80	
F. W. Martin Company, engrossers,	55 70	
J. L. Hammett Company,	9 96	
J. L. Fairbanks & Co.,	23 23	
Remington Typewriter Company,	1 63	
New England Railway Publishing Company,	50	
	<hr/>	

Amounts carried forward, \$1,486 83 \$6,337 35

Amounts brought forward, \$1,486 83 \$6,337 35

National Association of Boards of Pharmacy,	13 00	
New England Association of Boards of Pharmacy,	2 00	
O. S. Currier & Son, Haverhill,	3 43	
Neostyle Company,	4 35	
Whitall Tatum Company,	7 33	
Smith T. Downing Mfg. Company,	3 50	
Eastern Drug Company,	32 32	
The Office Appliance Company,	1 00	
H. W. Dubois & Co.,	3 00	
E. W. Burroughs, clerical services, . . .	28 00	
A. E. Burroughs, clerical services, . . .	4 00	
Mary Casey, services in laboratory, . . .	34 40	
Mary Warren, services in laboratory, . .	1 00	
Postage,	32 00	
Witness fees,	35 50	
Laundry for laboratory,	8 05	
		1,699 71
		<hr/> \$8,037 06

DECEASED PHARMACISTS.

George P. Bailey, Natick.	Charles R. Lowell, Greenfield.
Julian W. Baird, dean Massachusetts College of Pharmacy.	James J. Marrin, Holyoke.
William W. Bartlett, Boston.	John A. McLellan, Peabody.
George H. Blatchford, Cambridge.	William B. Milliken, Cambridge.
Benjamin F. Bradbury, Boston.	Charles W. Perry, Natick.
Joseph H. Buron, Fall River.	George L. Peirce, Boston.
Max Cramer, Boston.	Augustus E. Price, Gloucester.
Job B. M. Dickins, Newburyport.	Herbert E. Pottle, Andover.
Seth A. Emery, Northborough.	Gualbert Roy, Fall River.
William H. Fairfield, Boston.	George C. Shepard, Southbridge.
Herman E. Heebner, Lee.	Eben R. Smith, Fitchburg.
William T. Hunter, Everett (registered assistant).	Albert H. Sweet, Milford.
John E. King, Boston.	John L. Thompson, Cambridge.
Joshua A. Loomis, Easthampton.	Harry L. Timmons, Lowell.
	Frank H. Willard, Fairhaven.

SUMMARY.

Meetings: —	
For examinations,	35
For hearings, business, etc.,	13
	<hr/>
Total number of meetings,	48

Hearings: —

On formal complaint, charge of violation of the liquor law,	18
On formal complaint, charge of aiding and abetting unregistered persons in the conduct of the drug business,	3
On formal complaint, charge of gross and confirmed habits of intoxication,	1
On formal complaint charge of violation of the narcotic law,	2
On suspension or revocation of sixth-class licenses,	8
On suspension or revocation of certificates of fitness,	8
On petitions for reinstatement,	3
In reference to applications for liquor certificates,	122
<hr/>	
Total number of hearings,	165

Results of hearings: —

Number of certificates of registration suspended for two years,	3
Number of certificates of registration suspended for one year,	5
Number of certificates of registration suspended for three months,	1
Number of certificates of registration suspended for two months,	1
Number of cases placed on file,	12
Number of sixth-class licenses suspended,	8
Number of certificates of fitness suspended,	8
Number of suspended pharmacists reinstated,	2

Respectfully submitted,

PETER J. McCORMICK,

Secretary.

L A W S

RELATING TO

THE PRACTICE OF PHARMACY

IN

MASSACHUSETTS.

1911.

LAWS RELATING TO PHARMACY.

CHAPTER 76, REVISED LAWS.

REGISTRATION OF PHARMACISTS.

SECTION 10 (as amended by section 3, chapter 261, Acts of 1909). There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in November be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of December following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years. The members of said board at the time of the enactment hereof, and any member thereafter appointed to fill a vacancy, who are holding office at the expiration of their official terms, shall continue in office until the first day of December following.

Board of
registration
in pharmacy,
appoint-
ment, etc.

SECTION 11 (as amended by section 4, chapter 261, Acts of 1909). Said board shall meet on the first Tuesday of December in each year at such time and place as it may determine and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October, and additional meetings at such times and places as it shall determine.

Organization,
meetings, etc.

SECTION 12. (Section 1, chapter 399, Acts of 1907.) The annual salary of the secretary of the board of registration in pharmacy shall be one thousand dollars, and that of the other

Salaries.

members of the board shall be five hundred dollars each, except that the chairman shall receive six hundred dollars.

Travelling
expenses, etc.

(Sections 4 and 5, chapter 505, Acts of 1902.) Each member of the board shall receive in addition to his salary his necessary travelling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board shall be paid out of the treasury of the commonwealth. The fees received for examination and registration of applicants before the board of registration in pharmacy shall be paid monthly by the secretary into the treasury of the commonwealth.

Record and
annual re-
port.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

Examination
for registra-
tion as a
pharmacist.

SECTION 14 (as amended by section 3, chapter 525, Acts of 1908). A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. The board of registration in pharmacy may grant certificates of registration as assistants after examination upon the terms above named, but such certificates shall not allow the holder thereof to carry on the business of pharmacy.

Certificates
as assistants.

Registration
by reciprocity.

The said board may, in its discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state: *provided*, that such other state shall require a degree of competency equal to that required of applicants in this state. Every applicant for registration as a registered pharmacist shall pay to the secretary of the board the sum of ten dollars at the time of filing the application. No certificate known as the reciprocity certificate shall be granted until the person so applying shall have signified his intention of acting under the same in this commonwealth. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

Exhibit of
certificate.

SECTION 16 (as amended by chapter 140, Acts of 1907, as amended by section 2, chapter 172, Acts of 1910). The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, and especially of the laws relating to the sale of intoxicating liquors; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of, or within thirty days after a conviction by a court of competent jurisdiction. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

Hearings on
applications
and com-
plaints.

SECTION 17 (as amended by chapter 321, Acts of 1902). If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. (Chapter 261, section 5, Acts of 1909: The board may suspend the certificate of registration of a registered pharmacist, who, in its judgment, is a menace to the public by reason of the improper use of intoxicating liquor or drugs, such suspension to be made only after a hearing, and by the unanimous vote of all the members of the board.) The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

Board may
suspend
certificates of
registration,
etc.

Board may
reconsider
its action.

SECTION 18 (as amended by section 2, chapter 525, Acts of 1908). Whoever, not being registered as aforesaid, retails,

Penalty for
sale of drugs
by unregis-
tered persons.

compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist. Every registered pharmacist engaged in the business of pharmacy shall cause his name to appear on every sign indicating or advertising his place of business and on every label used for medicinal preparations compounded in his place of business. No unregistered copartner shall hereafter be actively engaged in the business of pharmacy; but this provision shall not apply to those engaged in the business at the time of the enactment hereof.

Registered person's name on signs and labels.

Inability of unregistered copartner to be actively engaged in pharmacy.

Investigation of complaints.

SECTION 19. The board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

Access to documents.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

Court to furnish certificate of conviction.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

As to the sale of certain drugs and medicines by grocers and others, not registered.

SECTION 23 (as amended by chapter 327, Acts of 1902, as amended by section 3, chapter 525, Acts of 1908, as amended by section 1, chapter 172, Acts of 1910). The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent or proprietary medicines; nor to the sale by merchants at retail of the following drugs and chemicals used in the arts, or as household remedies:—alum, ammonia, bicarbonate of soda, borax, camphor, castor oil, chlorinated lime,

citric acid, cod liver oil, copperas, cotton seed oil, cream of tartar, dye stuffs, Epsom salt, flaxseed, flaxseed meal, gelatin, ginger, Glauber's salt, glycerine, gum arabic, gum tragacanth, hops, hyposulphite of soda, licorice, lime water, linseed oil, litharge, magnesia, olive oil, peroxide of hydrogen, petrolatum, phosphate of soda, rhubarb, Rochelle salt, rosin, sal ammoniac, saltpeter, senna, slippery elm bark, spices of seasoning, sugar of milk, sulphate of copper, sulphur, tartaric acid, turpentine, extract of witch hazel, and zinc oxide; nor to the sale in original packages of the following, if put up by registered pharmacists, manufacturers, or wholesale dealers, in conformity with the Revised Laws, namely:—flavoring essences or extracts, essence of Jamaica ginger, insecticides, rat exterminators, aromatic spirits of ammonia, spirits of camphor, sweet spirits of nitre, syrup of rhubarb, tincture of arnica, and tincture of rhubarb; nor to the sale of the following poisons used in the arts, if properly labelled and recorded as provided in section two, chapter two hundred and thirteen of the Revised Laws:—muriatic acid, oxalic acid, nitric acid, sulphuric acid, arsenic, cyanide of potassium, mercury, phosphorus, and sulphate of zinc. Whoever not being a registered pharmacist, sells, or offers for sale, at retail, drugs, medicines, or poisons, other than those enumerated above, shall be punished by a fine not exceeding fifty dollars. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist, who may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder.

Widow, etc.,
may continue
business, etc.

CHAPTER 100, REVISED LAWS.

SECTION 2. Ale, porter, strong beer, cider, all wines, any beverage which contains more than one per cent of alcohol, by volume, at sixty degrees Fahrenheit, and distilled spirits, shall be deemed to be intoxicating liquor within the meaning of this chapter.

Definition of
intoxicating
liquor.

SECTION 16. The licensing board may at any time refuse to issue a license to a person whom it considers unfit to receive the same; but the provisions of this chapter shall not be so construed as to compel said licensing board to grant licenses.

Licenses may
be refused to
unfit persons.

SECTION 17. Each license shall be expressed, to be subject to the following conditions:—

Conditions of
licenses.

First, That the provisions in regard to the nature of the license, and the building in which the business may be carried on under it, shall be strictly adhered to.

Sales prohibited certain hours and Lord's day.

Second, That spirituous or intoxicating liquor shall not be sold between the hours of eleven at night and six in the morning or on the Lord's day; but if the licensee is also licensed as an innholder he may, between the hours of six in the morning and eleven at night on the Lord's day, supply such liquors to guests who have resorted to his inn for food and lodging.

Quality of liquor.

Third, That spirituous or intoxicating liquor shall not be sold, exchanged or delivered, or exposed, offered or kept for sale, exchange or delivery, upon the licensed premises, unless it is of good standard quality and is free from any adulteration prohibited in the Pharmacopœia of the United States or by the laws relative to adulteration of drugs and food, for either a food or a drug. If it is marked, labelled or represented as being the product of any foreign country, it shall also be of the standard quality required for its legal sale for domestic use in the country of its reputed production. All such liquors which are sold, exchanged or delivered, or which are exposed or kept for sale, exchange or delivery, under a license of the sixth class, shall be of the quality required for their sale as drugs under the provisions of the laws relative to the adulteration of drugs and food.

Sales prohibited to certain persons.

Fourth, That liquor shall not be sold or delivered on the licensed premises to a person who is known to be a drunkard, to an intoxicated person, or to a person who is known to have been intoxicated within the six months last preceding, or to a minor, either for his own use, the use of his parents or of any other person, or, unless upon the prescription of a duly registered physician, to a person known to have been supported in whole or in part by public charity at any time during the twelve months last preceding the date of the license.

Conduct on premises.

Fifth, That there shall be no disorder, indecency, prostitution, lewdness, or illegal gaming on the licensed premises, or on any premises connected therewith by an interior communication.

License displayed.

Sixth, That the license, or a copy thereof, certified by the recording officer of the licensing board, or by the clerk of the city or town by which it is issued, shall be displayed on the premises, in a conspicuous position, where it can easily be read.

License subject to forfeiture.

Seventh, That the license shall be subject to forfeiture, as herein provided, for breach of any of its conditions; and that, if the licensee is convicted of a violation of any of such conditions, his license shall thereupon become void.

SECTION 21 (as amended by chapter 190, Acts of 1907). Sales of alcohol.
 Druggists and apothecaries having a sixth class license or a certificate of fitness, may sell pure alcohol for medicinal, mechanical or chemical purposes without a physician's prescription, the said sales to be recorded in the manner provided for in section twenty-six; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22. No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate of fitness prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. Licenses to druggists.
 A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store. Registered stockholder.

SECTION 23 (as amended by chapter 308, Acts of 1907, as amended by chapter 261, Acts of 1909). Certificate of fitness for license.
 The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than five dollars, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. The board may, after giving a hearing to the parties interested, revoke or suspend such certificate for any cause that it may deem proper, and such revocation or suspension shall revoke or suspend the sixth class license granted thereon.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business in person and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, License to be void, when.

widow, executor or administrator under another registered pharmacist.

Sale only on
certificate.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or chemical purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

Entry book
for sales
of liquor.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows:—

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book, and shall not be detached therefrom, and shall be in form substantially as follows:—

Certificate. .

I wish to purchase.....
and I certify that I am not a minor and that the same is to be used for * Mechanical * Chemical * Medicinal purposes. [*Draw a line through the words which do not indicate the purpose of the purchase.]

Signature.....

Cancelled.....

Books open to
inspection.

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and

in all other cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.

Penalty for
false certifi-
cate.

SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten of chapter two hundred and twenty shall not apply to such sentence.

Penalty for
sale of liquor
in name of
pharmacist.

SECTION 44. Licensing boards may transfer licenses from one location to another within the city or town in which such licenses are in force; but such transfer shall be granted only to the original licensee, and like notice shall be given, the same provisions shall apply, and other proceedings shall be the same as are required upon the granting of licenses, except that no new license fee shall be required.

Transfer of
licenses.

SECTION 47 (as amended by chapter 108, Acts of 1908). The licensing board, after notice to the licensee and reasonable opportunity for him to be heard by them or by a committee of the mayor and aldermen or selectmen, if the license was granted by them, may declare his license forfeited, or may suspend his license for such period of time as they may deem proper, upon satisfactory proof that he has violated or permitted a violation of any condition thereof, or any law of the commonwealth. The pendency of proceedings before a court or justice shall not suspend or interfere with the power herein given to decree a forfeiture. If the license is declared to have been forfeited, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so forfeited, and if he is the owner of the premises described in such forfeited license, no license shall be issued to be exercised on said premises for the residue of the term thereof.

Forfeiture
of license.

Licensee
disqualified.

SECTION 53. Whoever violates any provision of his license or of this chapter shall, unless otherwise expressly provided, be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months; and such conviction of a licensee

Penalties.

shall render any license to him of the first five classes, of the seventh class, and, if for a violation of sections twenty-five to twenty-seven inclusive, a license of the sixth class, void. Such licensee shall be disqualified to hold a license for one year after his conviction, and, if he is the owner of the licensed premises, no license shall be exercised on the premises described in the forfeited license during the residue of the term thereof.

Penalty for
furnishing
liquor, etc.,
to a minor.

SECTION 62. Whoever, himself, or by his agent or servant, sells or gives intoxicating liquors to a minor, either for his own use, the use of his parent, or of any other person, or allows a minor to loiter upon the premises where such sales are made, shall forfeit one hundred dollars for each offense, to be recovered by the parent, etc. The provisions of this section shall not apply to sales made by the holder of a license of the sixth class if made upon the written prescription of a practising physician.

Penalty for
selling liquor
to a person
contrary to
notice.

SECTION 63. The husband, wife, parent, child, guardian or employer of a person who has the habit of drinking spirituous or intoxicating liquor to excess, or the mayor of the city, or one of the selectmen of the town in which such person lives, may give notice in writing, signed by him or her, to any person requesting him not to sell or deliver such liquor to the person having such habit. If the person so notified at any time within twelve months thereafter sells or delivers such liquor to the person having such habit, or permits him to loiter on his premises, the person giving the notice may, in an action of tort, recover of the person notified such amount, not less than one hundred nor more than five hundred dollars, as may be assessed as damages; etc.

CHAPTER 281, ACTS OF 1906.

AN ACT RELATIVE TO THE SALE OF INTOXICATING LIQUORS BY REGISTERED PHARMACISTS.

Be it enacted, etc., as follows:

Sale on
prescription,
having a
certificate of
fitness in no-
license
places.

SECTION 1. In any city or town in which licenses for the sale of intoxicating liquors of the first five classes are not granted, registered pharmacists to whom a certificate of fitness has been issued as provided for by section two of this act, may sell intoxicating liquors upon the prescription of a registered physician practising in such city or town, provided that the prescription is dated, contains the name of the person prescribed for, and is signed by the physician. All such prescriptions shall be retained and kept on file in a separate book by

the pharmacist filling the same, and shall not be filled a second time. Such prescription book shall be open at all times to the inspection provided for in section twenty-seven of chapter one hundred of the Revised Laws.

SECTION 2 (as amended by chapter 261, Acts of 1909). Fee.

The board of registration in pharmacy may, upon the payment by each applicant of a fee of not more than five dollars, issue to registered pharmacists certificates of fitness as provided for in section twenty-three of said chapter one hundred. Such certificates of fitness shall be subject to suspension or revocation by the board of registration in pharmacy, or by the licensing authorities of such cities and towns.

Suspension or
revocation of
certificate.

SECTION 3. Whoever violates any provision of this act shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment. Penalty.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

Approved April 14, 1906.

CHAPTER 213, REVISED LAWS.

OF CRIMES AGAINST THE PUBLIC HEALTH.

SECTION 2. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words *Poison* and *Antidote*, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale

Sale of
poisons.

of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken packages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines or trees, except that he shall record each sale and label each package sold, as above provided.

CHAPTER 541, ACTS OF 1910.

AN ACT RELATIVE TO THE LABELLING OF CRUDE AND REFINED WOOD ALCOHOL.

Be it enacted, etc., as follows:

Crude and refined wood alcohol to be labelled.

SECTION 1. Whoever, himself, or by his servant or agent, or as the servant or agent of any other person sells, exchanges or delivers any wood alcohol, otherwise known as methyl alcohol, either crude or refined, or denatured alcohol which contains any methyl alcohol, under or by whatever name or trade mark the same may be called or known shall affix to the bottle or vessel containing the same a label bearing the words, "Poison, Not for Internal Use", in red letters of uncondensed Gothic type not less than one fourth of an inch in height, and the same words, "Poison, Not for Internal Use", in stencilled letters or similar Gothic type of a size not less than three fourths nor more than one and one half inches in height for use on barrels and kegs. Whoever violates any provision of this section shall pay a fine of not less than fifty nor more than two hundred dollars for each sale in respect to which the violation occurs.

Penalty.

Penalty for the sale, etc., of food or drink containing wood alcohol, etc.

SECTION 2. Whoever, himself, or by his servant or agent, or as the servant or agent of any other person sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, either crude or refined, under or by whatever name or trade mark the same may be called or known, shall be punished by a fine of not less than two

hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

SECTION 3. Chapter two hundred and twenty of the acts of the year nineteen hundred and five, relative to wood alcohol, is hereby repealed. Repeal.

Approved May 23, 1910.

CHAPTER 259, ACTS OF 1907.

AN ACT RELATIVE TO THE LABELLING OF CERTAIN PATENT OR PROPRIETARY DRUGS AND FOODS.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and eighty-six of the acts of the year nineteen hundred and six is hereby amended by striking out section one and inserting in place thereof the following: — *Section 1.* Upon every package, bottle or other receptacle holding any proprietary or patent medicine, or any proprietary or patent food preparation, which contains alcohol, morphine, codeine, opium, heroin, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances, shall be marked or inscribed a statement on the label of the quantity or proportion of each of said substances contained therein. The size of type in which the names of the above substances shall be printed on the labels as above, shall not be smaller than eight point (brevier) caps: *provided*, that in case the size of the package will not permit the use of eight point cap type the size of the type may be reduced proportionately. The provisions of section nineteen of chapter seventy-five of the Revised Laws, so far as they are consistent herewith, shall apply to the manner and form in which such statements shall be marked or inscribed.

Receptacles
holding
proprietary
or patent
medicines,
etc., to be
labelled.

SECTION 2. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber or manufacturer residing in this Commonwealth, from whom he purchased such articles, to the effect that the same is not misbranded within the meaning of this act, designating it. Such guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer; and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.

SECTION 3. Section two of chapter three hundred and eighty-six of the acts of the year nineteen hundred and six is hereby repealed.

SECTION 4. This act shall take effect on the first day of March in the year nineteen hundred and eight.

Approved March 29, 1907.

CHAPTER 387, ACTS OF 1910.

AN ACT RELATIVE TO THE SALE OF COCAINE.

Be it enacted, etc., as follows:

Manufacture of preparations containing cocaine, etc., prohibited.

SECTION 1. It shall be unlawful for any person, firm or corporation to manufacture any so-called catarrh powder or catarrh cure, or any patent or proprietary preparation containing cocaine, or any of its salts, or alpha or beta eucaine, or any of their salts, or any synthetic substitute for them.

Sale, etc., of cocaine, etc., prohibited except, etc.

SECTION 2. It shall be unlawful for any person, firm or corporation to sell or to expose or offer for sale or to give, deliver or exchange any cocaine, or any alpha or beta eucaine, or any synthetic substitute for them, or any preparation containing the same, or any salts or compounds thereof, except upon the written prescription of a physician, dentist or veterinary surgeon registered under the laws of the state in which he resides; the original of which prescription shall be retained by the druggist filling the same for a period of at least two years and shall not again be filled, except upon the written order of the original prescriber, and shall at all times be open to inspection by the officers of the state board of health, the members of the state board of registration in pharmacy and its authorized agents, and by the police authorities and officers of cities and towns. But no practitioner of veterinary medicine shall prescribe any of the above mentioned substances for the use of any human being.

Physicians and dentists not to prescribe, etc., in certain cases.

SECTION 3. It shall be unlawful for any physician or dentist to prescribe, sell or give away any cocaine or its salts, or any alpha or beta eucaine or their salts, or any synthetic substitute for them, or any preparation containing the same, or any salts or compounds thereof, to any person known to such physician or dentist to be an habitual user of those drugs.

To whom cocaine, etc., may be sold.

SECTION 4. Any manufacturer or jobber of any or all of the articles mentioned in section two of this act, any wholesale druggist, or any registered pharmacist may sell any article mentioned in said section two to any such manufacturer, jobber, wholesale druggist, or to any pharmacist, physician, veterinarian or dentist, registered under the laws of the state in which he resides, or to any incorporated hospital, but only upon a written order duly signed by such manufacturer, jobber, wholesale druggist, registered pharmacist, registered physi-

cian, registered veterinarian, registered dentist, or the superintendent of such incorporated hospital, which order shall show the article or articles ordered and the date of delivery. The said order shall be kept on file in the laboratory, warehouse, pharmacy or store from which it was filled by the proprietor thereof, or his successor, for a period of not less than two years from the date of delivery, and shall at all times be open to inspection by the officers of the state board of health, the members of the state board of registration in pharmacy and its authorized agents, and by the police authorities and officers of cities and towns; and such order shall not contain any articles not mentioned in section two of this act.

Order to be
kept on file.

SECTION 5 (as amended by chapter 341, Acts of 1911). Penalty.
Whoever violates any provision of the foregoing sections shall be punished by a fine of not less than fifty and not more than one thousand dollars, or by imprisonment for not more than one year in the county jail or house of correction, or by both such fine and imprisonment, and whoever is found present as described in section seven of this act shall be punished by a fine of not more than fifty dollars, or by imprisonment for three months in the house of correction.

CHAPTER 271, ACTS OF 1910.

AN ACT TO REGULATE THE SALE OF MORPHINE AND OTHER NARCOTIC DRUGS.

Be it enacted, etc., as follows:

SECTION 1. It shall be unlawful for any person to sell, furnish, give away or deliver any opium, morphine, heroin, codeine or preparations thereof, or any salt or compound of the said substances, except upon the written prescription or order of a lawfully authorized practitioner of medicine, dentistry, or veterinary medicine, which prescription shall bear the name of the person giving it. But the provisions of this section shall not apply to sales made by any manufacturer, wholesale or retail druggist to another manufacturer, wholesale or retail druggist; nor to sales made to hospitals, colleges, scientific or public institutions, or to physicians, dentists, or veterinary surgeons; nor to the sale of cough remedies and other domestic and proprietary preparations: *provided*, that such preparations are sold in good faith as medicines, and not for the purpose of evading the provisions of this act; and *provided*, that such preparations do not contain more than two and one half grains of opium, or one third of a grain of morphine, or one fourth of a grain of heroin, or one grain of codeine or their salts in

Sale of cer-
tain narcotic
drugs
regulated.

Provisos.

one fluid ounce; or if a solid preparation, in one avoirdupois ounce, excepting liniments and ointments which are prepared for external use only; nor to preparations containing opium or any of its salts, which are sold in good faith, for diarrhœa, cholera or neuralgia; nor to powder of ipecac and opium, commonly known as Dover's powders; nor to compound medicinal tablets, pills, or powders containing not over one twentieth of a grain of morphine, or one twelfth of a grain of heroin or one fourth of a grain of codeine, or any of their salts to each pill, powder or tablet, *provided*, that such preparations are sold in good faith as medicines and not for the purpose of evading the provisions of this act.

Prescription
of certain
drugs
regulated.

SECTION 2. It shall be unlawful for any practitioner of medicine, dentistry, or veterinary medicine to prescribe for the use of any habitual user of the same, opium, morphine, heroin, codeine, or any salt or compound of the said substances, or any preparation containing any of the said substances or their salts or compounds; nor shall any practitioner of dentistry prescribe any of the said substances for any person not under his treatment in the regular practice of his profession; nor shall any practitioner of veterinary medicines prescribe any of the said substances for the use of any human being: *provided, however*, that the provisions of this section shall not be construed to prevent any lawfully authorized practitioner of medicine from prescribing in good faith for the use of any habitual user of narcotic drugs who is under his professional care such substances as he may deem necessary for his treatment, when such prescriptions are given in good faith and not for the purpose of evading the provisions of this act.

Penalty.

SECTION 3. Whoever violates any provision of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than one thousand dollars; or shall be imprisoned in the house of correction or jail for a term not exceeding one year; or shall be punished by both such fine and imprisonment.

Approved March 22, 1910.

CHAPTER 416, ACTS OF 1910.

AN ACT RELATIVE TO PROSECUTIONS UNDER THE LAWS RELATIVE TO ADULTERATED DRUGS AND FOOD.

Be it enacted, etc., as follows:

Prosecutions
under laws
relative to
adulterated
drugs and
food.

SECTION 1. No prosecution shall be begun under sections sixteen to twenty-seven, inclusive, of chapter seventy-five of the Revised Laws, for the manufacture, sale or offering for sale of drugs, unless the person purchasing the drug or taking the

drug without purchasing shall seal and deliver to the owner or person from whom such drug is purchased or taken a portion of the drug so purchased or taken; and a receipt therefor shall be given to the collector. The drug so purchased or taken shall thereafter be analyzed or tested under the direction of the state board of health for the purpose of determining whether it comes within the provisions of the sections above mentioned.

SECTION 2. If it appears that any provision of the said sections has been violated, the said board may direct or authorize formal complaint to be made to a court or justice having jurisdiction in such cases; but no evidence of the result of said analysis or test shall be received if the collector refuses or neglects to seal and deliver a portion of the drug purchased or taken as aforesaid to the owner or person from whose possession it is taken.

Complaint
for violation
of law, etc.

Approved April 20, 1910.

CHAPTER 289, ACTS OF 1911.

AN ACT RELATIVE TO PROSECUTIONS FOR SELLING ADULTERATED OR MISBRANDED ARTICLES OF FOOD OR DRUGS.

Be it enacted, etc., as follows:

SECTION 1. No dealer shall be prosecuted under the provisions of sections sixteen to twenty-six, inclusive, of chapter seventy-five of the Revised Laws, or of any act supplementary thereto or amendatory thereof, for selling, exposing for sale, or having in his custody or possession with intent to sell, any article of food or any drug or medicine which has been adulterated or misbranded contrary to the laws of this commonwealth, or which contains any substance, the use of which in food or in drugs is forbidden by the laws of this commonwealth, if he can establish a guaranty signed by the manufacturer, wholesaler, or jobber within this commonwealth from whom he purchased the said article, drug or medicine, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating the act. Such guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in that case such party or parties shall be subject to the prosecution, fine or other penalties which would attach in due course to the dealer under the provisions of the sections aforesaid.

SECTION 2. So much of chapter seventy-five of the Revised Laws as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 14, 1911.

CHAPTER 638, ACTS OF 1911.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the board of registration in pharmacy, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit:—

For the salaries of the members, thirty-one hundred dollars.

For travelling and other expenses of the members, a sum not exceeding seventeen hundred and twenty-five dollars.

For the salary and expenses of the agent, a sum not exceeding twenty-two hundred dollars.

For a stenographer, witness fees, and incidental and contingent expenses, to include the printing of the annual report, a sum not exceeding seventeen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved July 7, 1911.

TWENTY-SEVENTH ANNUAL REPORT

OF THE

MASSACHUSETTS

BOARD OF REGISTRATION IN PHARMACY,

FOR THE

YEAR ENDING NOVEMBER 30, 1912.



BOSTON:

WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
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1913.

STATE HOUSE, BOSTON.

APPROVED BY
THE STATE BOARD OF PUBLICATION

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NAMES OF BOARD AND OFFICERS.

WILLIAM S. FLINT, *President.*

PETER J. McCORMICK, *Secretary.*

IRVING P. GAMMON.

ALBERT J. BRUNELLE.

CHARLES F. RIPLEY.

JOSEPH E. BUSWELL, *Agent.*

The Commonwealth of Massachusetts.

REPORT.

To His Excellency EUGENE N. FOSS, Governor.

SIR: — In compliance with the laws of the Commonwealth, the Board of Registration in Pharmacy has the honor to submit the following report: —

During the year, 550 candidates have presented themselves for examination. One hundred and eleven of them have received certificates as registered pharmacists, and 185 have received certificates as assistants.

The financial status of the drug trade is not as good as might be desired, but it is doubtless no worse than business in general. During the past year, in those cities where large incorporated stores have located with advertised cut prices, the small druggist seriously feels their effect.

In 1908 the Board recommended for the safety of the public that the unregistered partner or unregistered stockholder should take no active part in the conduct of the retail drug business. The recommendation of the Board as enacted by the Legislature omitted the unregistered stockholder. As it is illogical that an unregistered stockholder should be allowed to do that which an unregistered copartner cannot do, we would recommend that the act be amended to conform with its original intention.

There has developed some confusion as to what constitutes a certificate of fitness, as provided for by chapter 281, Acts of 1906, and its connection with the sale of alcohol, as provided for in chapter 190 of the Acts of 1907. We would therefore recommend that chapter 281 of the Acts of 1906 be amended, and some other name than "certificate of fitness" be substituted to remove any ambiguity that may exist, and that chapter 190 of the Acts of 1907 be amended to conform with such change.

We would again recommend biennial compulsory reregistration of all pharmacists doing business in this Commonwealth.

This reregistration must not be confounded with re-examination, as it has nothing to do with it. Every State in the Union, with few exceptions, compels reregistration, some annually, some biennially, some triennially. We have some 5,600 pharmacists who have been registered since 1885. How many are actively engaged in the business at the present time we do not know and have no way of knowing, except by compulsory reregistration.

We would again recommend that all retail drug stores shall at all times when open for business be under the personal supervision of a registered or assistant-registered pharmacist, and that the Board of Registration in Pharmacy be empowered to prosecute any person in charge of such retail drug store, not under such personal supervision, as a person doing a drug business not being registered, and that the penalty provided for in section 18, chapter 76, shall be the punishment therefor.

Respectfully submitted,

WILLIAM S. FLINT.
PETER J. McCORMICK.
IRVING P. GAMMON.
ALBERT J. BRUNELLE.
CHARLES F. RIPLEY.

By operation of law the term of Irving P. Gammon expires with this report. For the past five years Mr. Gammon has not only taken a deep interest in the affairs of this Board, but has been active in the work of the National Association of Boards of Pharmacy, serving as delegate at Richmond, Va., in 1910, and at Denver, Col., in 1912, at which latter meeting he was elected as vice-president of the association. It is with regret that we part with his valuable services.

Respectfully submitted,

WILLIAM S. FLINT.
PETER J. McCORMICK.
ALBERT J. BRUNELLE.
CHARLES F. RIPLEY.

REPORT OF DELEGATE TO NATIONAL ASSOCIATION OF BOARDS OF PHARMACY.

To the Members of the Massachusetts State Board of Pharmacy, Boston.

As a representative of the Massachusetts Board of Registration in Pharmacy, at the convention of the National Association of Boards of Pharmacy at Denver, Col., Aug. 20 to 24, 1912, I submit the following report:—

The meeting was called to order by the president, R. H. Walker of Texas. The report of the committee on credentials showed that an unusually large number of delegates were present, representing nearly every State in the Union. President Walker delivered a very forcible address, which was referred to a committee of which the member from Massachusetts was chairman.

The committee on questions and methods reported. The report contained much information as to the work being done by the association.

The secretary of the Illinois Board of Pharmacy introduced a set of resolutions fixing the minimum and average grades for successful examinations as a basis for reciprocal registration. The gentleman from Illinois contended that 78 per cent. should be the average and 60 the minimum per cent. This was not adopted by the members, and 75 per cent. still remains the average upon the whole and 60 per cent. in any one subject.

The resolution providing a \$5 fee to be paid by the candidate to the National Association of Boards of Pharmacy, and that an advisory committee be appointed by the president, whose duty it shall be to visit the several boards at their examinations with view of bringing about greater uniformity in methods, was adopted by the association. The expense of this committee is to be paid out of the \$5 fees, it being shown by the treasurer's report that sufficient funds can be collected. 300 reciprocal registrations being recorded in the year just closed.

The committee on legislation reported a scheme to establish a National Board of Examiners through which a national certificate is to issue, good in all the States. This means, of course, that the candidates must be graduates in pharmacy and comply in all respects with the most advanced ideas of registration.

The committee of reciprocity with Cuba reported progress, and felt that the same can be brought about in a short time.

The president in his address made many recommendations, and several days were spent in discussing them. It was the general opinion of the members present that more attention should be paid to the applicant for examination, and that he should be required to have not only a high-school training, but be a graduate in pharmacy before making application for examination. The president recommended that a separate examination be given for the assistant pharmacist, and the applicant should be at least twenty years of age.

I am heartily in favor of this method of examining the assistant pharmacist, and hope that this recommendation may be adopted by all the boards.

I recommend that we continue our membership in this association, and that a member be sent to represent the Massachusetts Board at Nashville, Tenn., where the next meeting will be held.

Respectfully,

IRVING P. GAMMON.

SECRETARY'S REPORT.

Meetings for examinations have been held on dates and with results as follows:—

EXAMINATIONS.

1911-12.	Number of Days.	Number examined.	Number granted Full Reg- istration.	Number granted Assistant Cer- tificates.	Number of Assist- ants failing to receive Full Reg- istration.	Number found not Qualified to receive any Cer- tificate.
December 19, . . .	1	18	9	4	5	—
December 26, . . .	1	16	1	4	9	2
January 16, . . .	1	18	4	5	5	4
January 23, . . .	1	16	2	6	8	—
February 6, . . .	1	12	3	6	2	1
February 12, . . .	1	17	3	6	6	2
February 20, . . .	1	17	3	8	5	1
March 5, . . .	1	17	3	5	5	4
March 12, . . .	1	17	2	4	3	8
March 19, . . .	1	17	3	4	8	2
March 25, . . .	1	18	4	5	7	2
April 2, . . .	1	20	3	9	5	3
April 9, . . .	1	16	2	4	9	1
April 16, . . .	1	20	4	11	4	1
April 23, . . .	1	17	2	8	5	2
May 7, . . .	1	18	5	8	3	2
May 14, . . .	1	13	3	4	6	—
May 21, . . .	1	19	8	5	5	1
May 27, . . .	1	15	3	7	3	2
June 3, . . .	1	17	6	3	5	3
June 4, . . .	1	17	6	8	2	1
June 10, . . .	1	18	3	9	4	2
June 11, . . .	1	18	3	4	5	6
June 21, . . .	1	19	2	5	9	3
June 24, . . .	1	18	2	10	6	—
June 25, . . .	1	18	6	5	7	—
September 17, . . .	1	17	2	7	7	1
October 8, . . .	1	18	4	5	8	1
October 22, . . .	1	17	3	6	7	1
November 4, . . .	1	18	1	4	7	6
November 11, . . .	1	16	4	2	9	1
November 19, . . .	1	18	2	4	9	3
Totals, . . .	32	550	111	185	188	66

Of the 111 candidates who passed the examinations and were registered as pharmacists: —

22 passed on first examination.
 30 passed on second examination.
 19 passed on third examination.
 14 passed on fourth examination.
 15 passed on fifth examination.

3 passed on sixth examination.
 2 passed on seventh examination.
 4 passed on eighth examination.
 2 passed on ninth examination.

Certificates of registration have been granted by reciprocity as follows: —

RECIPROCITY.

STATE.	Number registered.	STATE.	Number registered.
Connecticut,	3	New Hampshire,	6
Georgia,	1	Ohio,	1
Illinois,	1	Vermont,	2
Iowa,	1		23
Maine,	8		

FEES.

Registration fees received: —

213 for first examination at \$5, . . . \$1,065 00
 366 for re-examination at \$3, . . . 1,098 00
 27 for reciprocal registration at \$10, . . . 270 00
 14 for duplicate certificates at \$1, . . . 14 00
 19 for clerical services relating to reciprocity, 19 00

Total registration fees received, . . . \$2,466 00

Liquor certificate fees received: —

1,546 fees received for liquor certificates at \$5, . . . 7,730 00
 Interest credited on fees deposited in bank, . . . 6 48

Total receipts, \$10,202 48

Amount paid State Treasurer, \$9,739 48

Returned to applicants refused liquor certificates, . . . 410 00

Returned to applicants for examination upon withdrawal of their applications, . . . 13 00

Returned to applicants refused reciprocal registration, 40 00

Total credits, \$10,202 48

Of the 1,546 applications for liquor certificates received:—

Granted certificates for sixth-class licenses,	1,059
Granted certificates of fitness (chapter 281, Acts of 1906),	393
Refused,	82
Pending action by the Board at the end of fiscal year,	12

EXPENDITURES.

Members' salaries:—

William S. Flint, president,	\$600 00
Peter J. McCormick, secretary,	1,000 00
Irving P. Gammon,	500 00
Albert J. Brunelle,	500 00
Charles F. Ripley,	500 00
	<hr/>
	\$3,100 00

Members' expenses:—

William S. Flint,	\$214 00
Peter J. McCormick,	123 60
Irving P. Gammon:—	
Member of the Board,	105 10
Delegate to the national convention of State	
boards of pharmacy,	164 00
Albert J. Brunelle,	212 00
Charles F. Ripley,	178 50
	<hr/>
	997 20

Joseph E. Buswell, agent:—

Salary,	\$1,500 00
Expenses,	632 30
	<hr/>
	2,132 30

Stenographer, witness fees, incidental and contingent expenses:—

Bessie B. Burroughs,	\$1,133 34
Wright & Potter Printing Company,	250 63
Postage,	120 28
F. W. Martin Company,	73 95
Eastern Drug Company,	85 35
J. L. Fairbanks & Co.,	76 86
Witness fees,	47 80
E. W. Burroughs, clerical services,	10 00
Mary Casey, services in laboratory,	38 00
Luce Press Clipping Bureau,	20 15
J. L. Hammett Company,	20 57
Whitall Tatum Company,	26 40

<i>Amounts carried forward,</i>	\$1,903 33	\$6,229 50
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<i>Amounts brought forward,</i>	\$1,903 33	\$6,229 50
Western Electric Company,	15 00	
A. R. Andrews,	13 35	
Laundry for laboratory,	10 35	
National Association of Boards of Pharmacy,	10 00	
New England Telephone and Telegraph Company,	7 44	
New England Association of Boards of Pharmacy,	2 00	
O. S. Currier & Son,	2 11	
Neostyle Company,	8 45	
H. W. Dubois & Co.,	5 25	
The Scarborough Company,	1 95	
J. E. Buswell (reimbursement of fee paid for commission as justice of the peace),	5 00	
Remington Typewriter Company,	1 80	
Gilman Brothers,	6 47	
New England Railway Publishing Company,	50	
	<hr/>	1,993 00
		<hr/>
		\$8,222 50

OBITUARY.

Benn W. Ainsworth, Amesbury.	John A. Morgan, Medford.
Orville A. Barker, Taunton.	J. C. Emery Panneton, Fall River.
J. Arthur Bean, Somerville.	Joseph C. Parsons, Westfield.
George H. Brayton, Boston.	Clifford Ramsdell, Abington.
James J. Carney, Salem.	Patrick Reardon, North Andover.
Charles S. Dickinson, Baldwinville.	Anthony C. Rogers, Gloucester.
Thomas Doliber, Boston.	George L. Roskell, Boston.
James F. Flynn, Lawrence.	Edwin M. Smith, Waltham.
John H. Gilmore, Lynn.	Warren Toppan, Lynn.
Frank H. Greeley, Gloucester.	Walter B. Thayer, Winthrop.
Thomas J. R. Healy, Brockton.	George F. Taylor, Brockton.
Charles P. Jaynes, Boston.	Henry Warren, South Framing- ham.
Edward S. Kelley, Worcester.	Gorham N. Winslow, Cambridge.
Horatio S. Kelley, West Dennis.	James B. Woodward, Watertown.
Ralph L. Mace, Brookline.	

SUMMARY.

Meetings:—

For examinations,	32
For hearings, business, etc.,	21
	<hr/>
Total number of meetings,	53

Hearings: —

On formal complaint, charge of violation of the liquor law, . . .	31
On formal complaint, charge of violation of the narcotic law, . . .	2
On formal complaint, charge of habitual use of drugs, . . .	1
On suspension or revocation of sixth-class license certificates, . . .	11
On suspension or revocation of certificates of fitness, . . .	14
On petitions for reinstatement as pharmacists, . . .	2
In reference to applications for liquor certificates, . . .	119
<hr/>	
Total number of hearings,	180

Results of hearings: —

Number of certificates of registration suspended for three years, . . .	1
Number of certificates of registration suspended for two years, . . .	4
Number of certificates of registration suspended for one year, . . .	3
Number of certificates of registration suspended for six months, . . .	2
Number of certificates of registration suspended for three months, . . .	1
Number of cases placed on file,	23
Number of sixth-class license certificates suspended, . . .	9
Number of certificates of fitness suspended, . . .	13
Number of suspended pharmacists reinstated, . . .	1

Respectfully submitted,

PETER J. McCORMICK,

Secretary.

L A W S

RELATING TO

THE PRACTICE OF PHARMACY

IN

MASSACHUSETTS.

1912.

LAWS RELATING TO PHARMACY.

CHAPTER 76, REVISED LAWS.

REGISTRATION OF PHARMACISTS.

SECTION 10 (as amended by section 3, chapter 261, Acts of 1909). There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in November be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of December following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years. The members of said board at the time of the enactment hereof, and any member thereafter appointed to fill a vacancy, who are holding office at the expiration of their official terms, shall continue in office until the first day of December following.

Board of
registration
in pharmacy,
appoint-
ment, etc.

SECTION 11 (as amended by section 4, chapter 261, Acts of 1909). Said board shall meet on the first Tuesday of December in each year at such time and place as it may determine and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October, and additional meetings at such times and places as it shall determine.

Organization,
meetings, etc.

SECTION 12. (Section 1, chapter 399, Acts of 1907.) The annual salary of the secretary of the board of registration in

Salaries.

pharmacy shall be one thousand dollars, and that of the other members of the board shall be five hundred dollars each, except that the chairman shall receive six hundred dollars.

Travelling
expenses, etc.

(Sections 4 and 5, chapter 505, Acts of 1902.) Each member of the board shall receive in addition to his salary his necessary travelling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board shall be paid out of the treasury of the commonwealth. The fees received for examination and registration of applicants before the board of registration in pharmacy shall be paid monthly by the secretary into the treasury of the commonwealth.

Record and
annual re-
port.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

Examination
for registra-
tion as a
pharmacist.

SECTION 14 (as amended by section 3, chapter 525, Acts of 1908). A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. The board of registration in pharmacy may grant certificates of registration as assistants after examination upon the terms above named, but such certificates shall not allow the holder thereof to carry on the business of pharmacy. The said board may, in its discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state: *provided*, that such other state shall require a degree of competency equal to that required of applicants in this state. Every applicant for registration as a registered pharmacist shall pay to the secretary of the board the sum of ten dollars at the time of filing the application. No certificate known as the reciprocity certificate shall be granted until the person so applying shall have signified his intention of acting under the same in this commonwealth. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

Certificates
as assistants.

Registration
by reciprocity.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

Exhibit of
certificate.

SECTION 16 (as amended by chapter 140, Acts of 1907, as amended by section 2, chapter 172, Acts of 1910). The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, and especially of the laws relating to the sale of intoxicating liquors; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of, or within thirty days after a conviction by a court of competent jurisdiction. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

Hearings on
applications
and com-
plaints.

SECTION 17 (as amended by chapter 321, Acts of 1902). If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. (Chapter 261, section 5, Acts of 1909: The board may suspend the certificate of registration of a registered pharmacist, who, in its judgment, is a menace to the public by reason of the improper use of intoxicating liquor or drugs, such suspension to be made only after a hearing, and by the unanimous vote of all the members of the board.) The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

Board may
suspend
certificates of
registration,
etc.

Board may
reconsider
its action.

SECTION 18 (as amended by section 2, chapter 525, Acts of 1908). Whoever, not being registered as aforesaid, retails,

Penalty for
sale of drugs
by unregis-
tered persons.

compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist. Every registered pharmacist engaged in the business of pharmacy shall cause his name to appear on every sign indicating or advertising his place of business and on every label used for medicinal preparations compounded in his place of business. No unregistered copartner shall hereafter be actively engaged in the business of pharmacy; but this provision shall not apply to those engaged in the business at the time of the enactment hereof.

Registered person's name on signs and labels.

Inability of unregistered copartner to be actively engaged in pharmacy.

Investigation of complaints.

SECTION 19. The board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

Access to documents.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

Court to furnish certificate of conviction.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

As to the sale of certain drugs and medicines by grocers and others, not registered.

SECTION 23 (as amended by chapter 327, Acts of 1902, as amended by section 3, chapter 525, Acts of 1908, as amended by section 1, chapter 172, Acts of 1910). The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent or proprietary medicines; nor to the sale by merchants at retail of the following drugs and chemicals used in the arts, or as household remedies:—alum, ammonia, bicarbonate of soda, borax, camphor, castor oil, chlorinated lime,

citric acid, cod liver oil, copperas, cotton seed oil, cream of tartar, dye stuffs, Epsom salt, flaxseed, flaxseed meal, gelatin, ginger, Glauber's salt, glycerine, gum arabic, gum tragacanth, hops, hyposulphite of soda, licorice, lime water, linseed oil, litharge, magnesia, olive oil, peroxide of hydrogen, petrolatum, phosphate of soda, rhubarb, Rochelle salt, rosin, sal ammoniac, saltpeter, senna, slippery elm bark, spices for seasoning, sugar of milk, sulphate of copper, sulphur, tartaric acid, turpentine, extract of witch hazel, and zinc oxide; nor to the sale in original packages of the following, if put up by registered pharmacists, manufacturers, or wholesale dealers, in conformity with the Revised Laws, namely:—flavoring essences or extracts, essence of Jamaica ginger, insecticides, rat exterminators, aromatic spirits of ammonia, spirits of camphor, sweet spirits of nitre, syrup of rhubarb, tincture of arnica, and tincture of rhubarb; nor to the sale of the following poisons used in the arts, if properly labelled and recorded as provided in section two, chapter two hundred and thirteen of the Revised Laws:—muriatic acid, oxalic acid, nitric acid, sulphuric acid, arsenic, cyanide of potassium, mercury, phosphorus, and sulphate of zinc. Whoever not being a registered pharmacist, sells, or offers for sale, at retail, drugs, medicines, or poisons, other than those enumerated above, shall be punished by a fine not exceeding fifty dollars. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist, who may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder.

Widow, etc.,
may continue
business, etc.

CHAPTER 100, REVISED LAWS.

SECTION 2. Ale, porter, strong beer, cider, all wines, any beverage which contains more than one per cent of alcohol, by volume, at sixty degrees Fahrenheit, and distilled spirits, shall be deemed to be intoxicating liquor within the meaning of this chapter.

Definition of
intoxicating
liquor.

SECTION 16. The licensing board may at any time refuse to issue a license to a person whom it considers unfit to receive the same; but the provisions of this chapter shall not be so construed as to compel said licensing board to grant licenses.

Licenses may
be refused to
unfit persons.

SECTION 17. Each license shall be expressed, to be subject to the following conditions:—

Conditions of
licenses.

First, That the provisions in regard to the nature of the license, and the building in which the business may be carried on under it, shall be strictly adhered to.

Sales prohibited certain hours and Lord's day.

Second, That spirituous or intoxicating liquor shall not be sold between the hours of eleven at night and six in the morning or on the Lord's day; but if the licensee is also licensed as an innholder he may, between the hours of six in the morning and eleven at night on the Lord's day, supply such liquors to guests who have resorted to his inn for food and lodging.

Quality of liquor.

Third, That spirituous or intoxicating liquor shall not be sold, exchanged or delivered, or exposed, offered or kept for sale, exchange or delivery, upon the licensed premises, unless it is of good standard quality and is free from any adulteration prohibited in the Pharmacopœia of the United States or by the laws relative to adulteration of drugs and food, for either a food or a drug. If it is marked, labelled or represented as being the product of any foreign country, it shall also be of the standard quality required for its legal sale for domestic use in the country of its reputed production. All such liquors which are sold, exchanged or delivered, or which are exposed or kept for sale, exchange or delivery, under a license of the sixth class, shall be of the quality required for their sale as drugs under the provisions of the laws relative to the adulteration of drugs and food.

Sales prohibited to certain persons.

Fourth, That liquor shall not be sold or delivered on the licensed premises to a person who is known to be a drunkard, to an intoxicated person, or to a person who is known to have been intoxicated within the six months last preceding, or to a minor, either for his own use, the use of his parents or of any other person, or, unless upon the prescription of a duly registered physician, to a person known to have been supported in whole or in part by public charity at any time during the twelve months last preceding the date of the license.

Conduct on premises.

Fifth, That there shall be no disorder, indecency, prostitution, lewdness, or illegal gaming on the licensed premises, or on any premises connected therewith by an interior communication.

License displayed.

Sixth, That the license, or a copy thereof, certified by the recording officer of the licensing board, or by the clerk of the city or town by which it is issued, shall be displayed on the premises, in a conspicuous position, where it can easily be read.

License subject to forfeiture.

Seventh, That the license shall be subject to forfeiture, as herein provided, for breach of any of its conditions; and that, if the licensee is convicted of a violation of any of such conditions, his license shall thereupon become void.

SECTION 21 (as amended by chapter 190, Acts of 1907). Sales of alcohol.
 Druggists and apothecaries having a sixth class license or a certificate of fitness, may sell pure alcohol for medicinal, mechanical or chemical purposes without a physician's prescription, the said sales to be recorded in the manner provided for in section twenty-six; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22. No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate of fitness prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. Licenses to druggists.
 A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store. Registered stockholder.

SECTION 23 (as amended by chapter 308, Acts of 1907, as amended by chapter 261, Acts of 1909). Certificate of qualification for license.
 The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than five dollars, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. The board may, after giving a hearing to the parties interested, revoke or suspend such certificate for any cause that it may deem proper, and such revocation or suspension shall revoke or suspend the sixth class license granted thereon.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business in person and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, License to be void, when.

widow, executor or administrator under another registered pharmacist.

Sale only on
certificate.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or chemical purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

Entry book
for sales
of liquor.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows:—

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book, and shall not be detached therefrom, and shall be in form substantially as follows:—

Certificate.

I wish to purchase.....
and I certify that I am not a minor and that the same is to be used for * Mechanical * Chemical * Medicinal purposes. [*Draw a line through the words which do not indicate the purpose of the purchase.]

Signature.....

Cancelled.....

Books open to
inspection.

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and

in all other cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.

Penalty for
false certifi-
cate.

SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten of chapter two hundred and twenty shall not apply to such sentence.

Penalty for
sale of liquor
in name of
pharmacist.

SECTION 44. Licensing boards may transfer licenses from one location to another within the city or town in which such licenses are in force; but such transfer shall be granted only to the original licensee, and like notice shall be given, the same provisions shall apply, and other proceedings shall be the same as are required upon the granting of licenses, except that no new license fee shall be required.

Transfer of
licenses.

SECTION 47 (as amended by chapter 108, Acts of 1908). The licensing board, after notice to the licensee and reasonable opportunity for him to be heard by them or by a committee of the mayor and aldermen or selectmen, if the license was granted by them, may declare his license forfeited, or may suspend his license for such period of time as they may deem proper, upon satisfactory proof that he has violated or permitted a violation of any condition thereof, or any law of the commonwealth. The pendency of proceedings before a court or justice shall not suspend or interfere with the power herein given to decree a forfeiture. If the license is declared to have been forfeited, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so forfeited, and if he is the owner of the premises described in such forfeited license, no license shall be issued to be exercised on said premises for the residue of the term thereof.

Forfeiture
of license.

Licensee
disqualified.

SECTION 53. Whoever violates any provision of his license or of this chapter shall, unless otherwise expressly provided, be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months; and such conviction of a licensee

Penalties.

shall render any license to him of the first five classes, of the seventh class, and, if for a violation of sections twenty-five to twenty-seven inclusive, a license of the sixth class, void. Such licensee shall be disqualified to hold a license for one year after his conviction, and, if he is the owner of the licensed premises, no license shall be exercised on the premises described in the forfeited license during the residue of the term thereof.

Minors not to handle intoxicating liquors.

SECTION 61. Whoever employs a minor under the age of eighteen years in handling intoxicating liquors or packages containing such liquors in a brewery or bottling establishment in which such liquors are prepared for sale or offered for sale shall, for each offence, be punished by a fine of not less than fifty dollars or by imprisonment for not less than three months, or by both such fine and imprisonment. The provisions of this section shall not prohibit the employment of minors in drug stores.

Drug stores exempt.

Penalty for furnishing liquor, etc., to a minor.

SECTION 62. Whoever, himself, or by his agent or servant, sells or gives intoxicating liquors to a minor, either for his own use, the use of his parent, or of any other person, or allows a minor to loiter upon the premises where such sales are made, shall forfeit one hundred dollars for each offense, to be recovered by the parent, etc. The provisions of this section shall not apply to sales made by the holder of a license of the sixth class if made upon the written prescription of a practising physician.

Penalty for selling liquor to a person contrary to notice.

SECTION 63. The husband, wife, parent, child, guardian or employer of a person who has the habit of drinking spirituous or intoxicating liquor to excess, or the mayor of the city, or one of the selectmen of the town in which such person lives, may give notice in writing, signed by him or her, to any person requesting him not to sell or deliver such liquor to the person having such habit. If the person so notified at any time within twelve months thereafter sells or delivers such liquor to the person having such habit, or permits him to loiter on his premises, the person giving the notice may, in an action of tort, recover of the person notified such amount, not less than one hundred nor more than five hundred dollars, as may be assessed as damages; etc.

CHAPTER 281, ACTS OF 1906.

AN ACT RELATIVE TO THE SALE OF INTOXICATING LIQUORS BY
REGISTERED PHARMACISTS.*Be it enacted, etc., as follows:*

SECTION 1. In any city or town in which licenses for the sale of intoxicating liquors of the first five classes are not granted, registered pharmacists to whom a certificate of fitness has been issued as provided for by section two of this act, may sell intoxicating liquors upon the prescription of a registered physician practising in such city or town, provided that the prescription is dated, contains the name of the person prescribed for, and is signed by the physician. All such prescriptions shall be retained and kept on file in a separate book by the pharmacist filling the same, and shall not be filled a second time. Such prescription book shall be open at all times to the inspection provided for in section twenty-seven of chapter one hundred of the Revised Laws.

Sale on
prescription,
having a
certificate of
fitness in no-
license
places.

SECTION 2 (as amended by chapter 261, Acts of 1909). The board of registration in pharmacy may, upon the payment by each applicant of a fee of not more than five dollars, issue to registered pharmacists certificates of fitness as provided for in section twenty-three of said chapter one hundred. Such certificates of fitness shall be subject to suspension or revocation by the board of registration in pharmacy, or by the licensing authorities of such cities and towns.

Fee.

Suspension or
revocation of
certificate.

SECTION 3. Whoever violates any provision of this act shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment.

Penalty.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

Approved April 14, 1906.

CHAPTER 213, REVISED LAWS.

OF CRIMES AGAINST THE PUBLIC HEALTH.

Be it enacted, etc., as follows:

SECTION 2 (as amended by chapter 263, Acts of 1912). Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green,

Sale of
poisons.

Parson's vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, compounds of fluorine, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words Poison and Antidote, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken packages containing not less than one quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines or trees, except that he shall record each sale and label each package sold, as above provided.

Approved March 18, 1912.

CHAPTER 541, ACTS OF 1910.

AN ACT RELATIVE TO THE LABELLING OF CRUDE AND REFINED WOOD ALCOHOL.

Be it enacted, etc., as follows:

Crude and refined wood alcohol to be labelled.

SECTION 1. Whoever, himself, or by his servant or agent, or as the servant or agent of any other person sells, exchanges or delivers any wood alcohol, otherwise known as methyl alcohol, either crude or refined, or denatured alcohol which contains any methyl alcohol, under or by whatever name or trade mark the same may be called or known shall affix to the bottle or vessel containing the same a label bearing the words, "Poison,

Not for Internal Use", in red letters of uncondensed Gothic type not less than one fourth of an inch in height, and the same words, "Poison, Not for Internal Use", in stencilled letters or similar Gothic type of a size not less than three fourths nor more than one and one half inches in height for use on barrels and kegs. Whoever violates any provision of this section shall pay a fine of not less than fifty nor more than two hundred dollars for each sale in respect to which the violation occurs.

Penalty.

SECTION 2. Whoever, himself, or by his servant or agent, or as the servant or agent of any other person sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, either crude or refined, under or by whatever name or trade mark the same may be called or known, shall be punished by a fine of not less than two hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Penalty for the sale, etc., of food or drink containing wood alcohol, etc.

SECTION 3. Chapter two hundred and twenty of the acts of the year nineteen hundred and five, relative to wood alcohol, is hereby repealed.

Repeal.

Approved May 23, 1910.

CHAPTER 259, ACTS OF 1907.

AN ACT RELATIVE TO THE LABELLING OF CERTAIN PATENT OR PROPRIETARY DRUGS AND FOODS.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and eighty-six of the acts of the year nineteen hundred and six is hereby amended by striking out section one and inserting in place thereof the following:— *Section 1.* Upon every package, bottle or other receptacle holding any proprietary or patent medicine, or any proprietary or patent food preparation, which contains alcohol, morphine, codeine, opium, heroin, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances, shall be marked or inscribed a statement on the label of the quantity or proportion of each of said substances contained therein. The size of type in which the names of the above substances shall be printed on the labels as above, shall not be smaller than eight point (brevier) caps: *provided*, that in case the size of the package will not permit the use of eight point cap type the size of the type may be reduced proportionately. The provisions of section nineteen of chapter seventy-five of the Revised Laws, so far as they are

Receptacles holding proprietary or patent medicines, etc., to be labelled.

consistent herewith, shall apply to the manner and form in which such statements shall be marked or inscribed.

SECTION 2. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber or manufacturer residing in this Commonwealth, from whom he purchased such articles, to the effect that the same is not misbranded within the meaning of this act, designating it. Such guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer; and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.

SECTION 3. Section two of chapter three hundred and eighty-six of the acts of the year nineteen hundred and six is hereby repealed.

SECTION 4. This act shall take effect on the first day of March in the year nineteen hundred and eight.

Approved March 29, 1907.

CHAPTER 387, ACTS OF 1910.

AN ACT RELATIVE TO THE SALE OF COCAINE.

Be it enacted, etc., as follows:

Manufacture
of prepara-
tions contain-
ing cocaine,
etc., pro-
hibited.

SECTION 1. It shall be unlawful for any person, firm or corporation to manufacture any so-called catarrh powder or catarrh cure, or any patent or proprietary preparation containing cocaine, or any of its salts, or alpha or beta eucaine, or any of their salts, or any synthetic substitute for them.

Sale, etc.,
of cocaine,
etc., prohib-
ited except,
etc.

SECTION 2. It shall be unlawful for any person, firm or corporation to sell or to expose or offer for sale or to give, deliver or exchange any cocaine, or any alpha or beta eucaine, or any synthetic substitute for them, or any preparation containing the same, or any salts or compounds thereof, except upon the written prescription of a physician, dentist or veterinary surgeon registered under the laws of the state in which he resides; the original of which prescription shall be retained by the druggist filling the same for a period of at least two years and shall not again be filled, except upon the written order of the original prescriber, and shall at all times be open to inspection by the officers of the state board of health, the members of the state board of registration in pharmacy and its authorized agents, and by the police authorities and officers of cities and towns. But no practitioner of veterinary medi-

cine shall prescribe any of the above mentioned substances for the use of any human being.

SECTION 3. It shall be unlawful for any physician or dentist to prescribe, sell or give away any cocaine or its salts, or any alpha or beta eucaine or their salts, or any synthetic substitute for them, or any preparation containing the same, or any salts or compounds thereof, to any person known to such physician or dentist to be an habitual user of those drugs.

Physicians and dentists not to prescribe, etc., in certain cases.

SECTION 4. Any manufacturer or jobber of any or all of the articles mentioned in section two of this act, any wholesale druggist, or any registered pharmacist may sell any article mentioned in said section two to any such manufacturer, jobber, wholesale druggist, or to any pharmacist, physician, veterinarian or dentist, registered under the laws of the state in which he resides, or to any incorporated hospital, but only upon a written order duly signed by such manufacturer, jobber, wholesale druggist, registered pharmacist, registered physician, registered veterinarian, registered dentist, or the superintendent of such incorporated hospital, which order shall show the article or articles ordered and the date of delivery. The said order shall be kept on file in the laboratory, warehouse, pharmacy or store from which it was filled by the proprietor thereof, or his successor, for a period of not less than two years from the date of delivery, and shall at all times be open to inspection by the officers of the state board of health, the members of the state board of registration in pharmacy and its authorized agents, and by the police authorities and officers of cities and towns; and such order shall not contain any articles not mentioned in section two of this act.

To whom cocaine, etc., may be sold.

Order to be kept on file.

SECTION 5 (as amended by chapter 341, Acts of 1911). Whoever violates any provision of the foregoing sections shall be punished by a fine of not less than fifty and not more than one thousand dollars, or by imprisonment for not more than one year in the county jail or house of correction, or by both such fine and imprisonment, and whoever is found present as described in section seven of this act shall be punished by a fine of not more than fifty dollars, or by imprisonment for three months in the house of correction.

Penalty.

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CHAPTER 271, ACTS OF 1910.

AN ACT TO REGULATE THE SALE OF MORPHINE AND OTHER NARCOTIC DRUGS.

Be it enacted, etc., as follows:

Sale of certain narcotic drugs regulated.

SECTION 1. It shall be unlawful for any person to sell, furnish, give away or deliver any opium, morphine, heroin, codeine or preparations thereof, or any salt or compound of the said substances, except upon the written prescription or order of a lawfully authorized practitioner of medicine, dentistry, or veterinary medicine, which prescription shall bear the name of the person giving it. But the provisions of this section shall not apply to sales made by any manufacturer, wholesale or retail druggist to another manufacturer, wholesale or retail druggist; nor to sales made to hospitals, colleges, scientific or public institutions, or to physicians, dentists, or veterinary surgeons; nor to the sale of cough remedies and other domestic and proprietary preparations: *provided*, that such preparations are sold in good faith as medicines, and not for the purpose of evading the provisions of this act; and *provided*, that such preparations do not contain more than two and one half grains of opium, or one third of a grain of morphine, or one fourth of a grain of heroin, or one grain of codeine or their salts in one fluid ounce; or if a solid preparation, in one avoirdupois ounce, excepting liniments and ointments which are prepared for external use only; nor to preparations containing opium or any of its salts, which are sold in good faith, for diarrhoea, cholera or neuralgia; nor to powder of ipecac and opium, commonly known as Dover's powders; nor to compound medicinal tablets, pills, or powders containing not over one twentieth of a grain of morphine, or one twelfth of a grain of heroin or one fourth of a grain of codeine, or any of their salts to each pill, powder or tablet, *provided*, that such preparations are sold in good faith as medicines and not for the purpose of evading the provisions of this act.

Provisos.

Prescription of certain drugs regulated.

SECTION 2. It shall be unlawful for any practitioner of medicine, dentistry, or veterinary medicine to prescribe for the use of any habitual user of the same, opium, morphine, heroin, codeine, or any salt or compound of the said substances, or any preparation containing any of the said substances or their salts or compounds; nor shall any practitioner of dentistry prescribe any of the said substances for any person not under his treatment in the regular practice of his profession; nor shall any practitioner of veterinary medicines prescribe any of the said substances for the use of any human being: *provided, however*, that the provisions of this section shall not be construed to prevent any lawfully authorized practitioner of

medicine from prescribing in good faith for the use of any habitual user of narcotic drugs who is under his professional care such substances as he may deem necessary for his treatment, when such prescriptions are given in good faith and not for the purpose of evading the provisions of this act.

SECTION 3. Whoever violates any provision of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than one thousand dollars; or shall be imprisoned in the house of correction or jail for a term not exceeding one year; or shall be punished by both such fine and imprisonment. Penalty.

Approved March 22, 1910.

CHAPTER 416, ACTS OF 1910.

AN ACT RELATIVE TO PROSECUTIONS UNDER THE LAWS RELATIVE TO ADULTERATED DRUGS AND FOOD.

Be it enacted, etc., as follows:

SECTION 1. No prosecution shall be begun under sections sixteen to twenty-seven, inclusive, of chapter seventy-five of the Revised Laws, for the manufacture, sale or offering for sale of drugs, unless the person purchasing the drug or taking the drug without purchasing shall seal and deliver to the owner or person from whom such drug is purchased or taken a portion of the drug so purchased or taken; and a receipt therefor shall be given to the collector. The drug so purchased or taken shall thereafter be analyzed or tested under the direction of the state board of health for the purpose of determining whether it comes within the provisions of the sections above mentioned. Prosecutions under laws relative to adulterated drugs and food.

SECTION 2. If it appears that any provision of the said sections has been violated, the said board may direct or authorize formal complaint to be made to a court or justice having jurisdiction in such cases; but no evidence of the result of said analysis or test shall be received if the collector refuses or neglects to seal and deliver a portion of the drug purchased or taken as aforesaid to the owner or person from whose possession it is taken. Complaint for violation of law, etc.

Approved April 20, 1910.

CHAPTER 289, ACTS OF 1911.

AN ACT RELATIVE TO PROSECUTIONS FOR SELLING ADULTERATED OR MISBRANDED ARTICLES OF FOOD OR DRUGS.

Be it enacted, etc., as follows:

SECTION 1. No dealer shall be prosecuted under the provisions of sections sixteen to twenty-six, inclusive, of chapter

seventy-five of the Revised Laws, or of any act supplementary thereto or amendatory thereof, for selling, exposing for sale, or having in his custody or possession with intent to sell, any article of food or any drug or medicine which has been adulterated or misbranded contrary to the laws of this commonwealth, or which contains any substance, the use of which in food or in drugs is forbidden by the laws of this commonwealth, if he can establish a guaranty signed by the manufacturer, wholesaler, or jobber within this commonwealth from whom he purchased the said article, drug or medicine, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating the act. Such guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in that case such party or parties shall be subject to the prosecution, fine or other penalties which would attach in due course to the dealer under the provisions of the sections aforesaid.

SECTION 2. So much of chapter seventy-five of the Revised Laws as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 14, 1911.

CHAPTER 212, ACTS OF 1912.

AN ACT TO EXEMPT DRUGGISTS AND DRUG CLERKS FROM RESTRICTIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

Section sixteen of chapter nineteen of the Revised Laws is hereby amended by adding at the end thereof the words: — The word vendor shall not apply to the proprietors of drug stores or their employees, — so as to read as follows: — *Section 16.* No person habitually using intoxicating liquors to excess and no vendor of intoxicating liquors shall be appointed to or retained in any office, appointment or employment to which the provisions of this chapter apply. The word vendor shall not apply to the proprietors of drug stores or their employees.

Approved March 9, 1912.

CHAPTER 478, ACTS OF 1912.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the board of registration in pharmacy, for the fiscal year ending on the thirtieth day of November, nineteen hundred and twelve, to wit: —

For the salaries of the members, thirty-one hundred dollars.

For travelling and other expenses of the members, a sum not exceeding fourteen hundred and twenty-five dollars.

For the salary and expenses of the agent, a sum not exceeding twenty-two hundred dollars.

For a stenographer, witness fees and incidental and contingent expenses, to include the printing of the annual report, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1912.



